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ABSTRACT

Public Law 94-142 provides safeguards to assure that materials and procedures utilized for the purposes of evaluation and placement of handicapped children be selected and administered so as to avoid racial and cultural discrimination. This publication is designed to provide the educational community with information to assist them in bringing about needed change in evaluation practices. Through a review of educational and psychological literature, court decisions and legislation, the historical and theoretical underpinnings of current testing practices as applied to minorities are reviewed. The concept of equal educational opportunity is examined by reviewing litigation, laws and school financial patterns. The social and political history of IQ testing is reviewed. This review is supplemented by a discussion of current theoretical formulations with respect to IQ testing of the minority child. The standardization critieria most frequently used to classify children for special education are described. In order to show the legal consequences of biased assessment, litigation that has challenged testing practices and a study by the U.S. Office of Civil Rights on the overrepresentation of minority group children in special classes are summarized. References are provided throughout the document. (Author/GC)

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PROTECTION IN EVALUATION:

A Resource Manual

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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PROTECTION IN EVALUATION:

A Resource Manual

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TABLE OF CONTENTS

I. INTRODUCTION..... 1

II. EQUAL OPPORTUNITY IN EDUCATION - DOES IT EXIST?..... 4

A. Legal Decisions: A History of Discrimination..... 5

B. Educational Funding Policies: A Pattern of Inequity..... 13

C. School Practices: An Environment of Racism..... 25

III. THE SOCIAL HISTORY OF INTELLIGENCE TESTING..... 42

IV. CRITICAL ISSUES IN THE INTELLIGENCE TESTING OF MINORITY GROUP CHILDREN..... 54

V. CURRENT THEORETICAL POSITIONS WITH RESPECT TO IQ TESTING AND THE MINORITY CHILD..... 62

VI. ASSESSMENT AND STANDARDIZED TESTS..... 74

A. Intelligence and Achievement Tests..... 76

B. Projective Techniques..... 85

VII. THE CONSEQUENCES OF BIASED ASSESSMENT..... 99

A. Litigations..... 101

B. 1973 Civil Rights Survey Information..... 105

VIII. CONCLUSION..... 117

I. INTRODUCTION

Public Law 94-142 provides safeguards to assure that materials and procedures untilized for the purposes of evaluation and placement of handicapped children be selected and administered so as not to be racially and culturally discriminatory. This is the first in a series of publications designed to provide the educational community with information to assist them in bringing about needed change in evaluation practices.

No one, of course enters a situation a true tabula rasa. We all function within given frameworks that influence our thoughts, feelings, interpretations and actions. It has long been argued that racism represents a dominant feature of the framework from which the testing of minorities has emerged. However, the sources of evidence delineating such a pattern are diffuse, existing in a variety of publications representing diverse disciplines. This publication, through a review of educational and psychological literature, court decisions, and legislation, traces the historical and theoretical underpinnings of current testing practices, as applied to minorities. The initial article examines the concept of equal educational opportunity by reviewing litigations, laws and school financial patterns. This article is followed by a review of the social and political history of I.Q. testing up to and including current theoretical formulations. The third article provides information on the standardization criteria that subsume the tests most frequently used to classify children for placement in special education. Litigations that have challenged testing practices and the U.S. Office of Civil Rights study of the overrepresentation of minority group children in special education classes are summarized in the final article.

As members of the educational and social sciences comunity we would like to believe that we have cultivated skills that allow us to put aside preconceptions that might interfere with objective decision making. Such a position fails to include the pervasive role of racist thinking even within disciplines dedicated to humanistic values. During the many years that educators and psychologists have heatedly debated the issue of testing, the importance of understanding the pupil in the context of his cultural background has continuousely been raised. However, little change has occurred. As we continue to seek solutions to the complex and highly controversial matter of testing, a realistic confrontation with the issue of minority life in America, may help us to achieve the progress we seek.

The education I propose includes all that is proper for a man, and is one in which all men who are born into this world should share.... Our first wish is that all men should be educated fully to full humanity; not only one individual, nor a few, nor even many, but all men together and single, young and old, rich and poor, of high and lowly birth, men and women---in a word, all whose fate is to be born human beings; so that at last the whole of the human race may become educated, men of all ages, all conditions, both sexes and all nations. Our second wish is that every man should be wholly educated, rightly formed not only in one single matter or in a few or even in many, but in all things which perfect human nature....

John Amos Comenius,
The Great Didactic, 1632

II. EQUAL OPPORTUNITY IN EDUCATION - DOES IT EXIST?

Introduction

The school systems of America have been traditionally conceived of as offering the benefits of equal opportunity to all. Whether our educational institutions are, in fact, fulfilling this tremendous social and political responsibility has frequently been questioned. The present paper provides a brief history of the legal decisions, educational funding policies and school practices that provide evidence for the denial of equal educational opportunity to minority children. It has been argued that the history of de jure segregation from whence we have emerged and the current existence of de facto segregation has provided the context within which current testing practices have developed and been allowed to flourish.

A. Legal Decisions: A History of Discrimination

In an intensive analysis of the New York City school system from 1805 - 1973, Diane Ravitch (1974) provides many examples of how that educational system has been an active battleground between the representatives of the "native" population, who seek to maintain the organizational status quo that maintains them in power, and periodic waves of new immigrants, who advocate educational reforms that would make the school system more responsive to their needs. A survey of American educational history (e.g., Levin, 1965; Wise, 1967) indicates that similar battles have often existed on a nationwide basis. When the 14th Amendment guaranteeing equal protection was passed in 1868, access to the nation's school system was almost wholly restricted to the white population. Of the more than five million blacks living in the U.S., 95% of them were illiterate, many of them living in states where the education of blacks was either curtailed or strictly forbidden by law (Ballard, 1973). Popular sentiment largely concurred with the position of Southern businessmen who argued that blacks should not be educated beyond the Bible for fear such education would lead them to question their social status (Jordan, 1968). The fear of what increased education for the slave population might do was often ironically coupled with an implicit assumption that blacks were indeed uneducable. This belief was even espoused by liberal abolitionists who maintained that the "fact that the Negro race is inferior, does not give another the right to enslave him" (Fredrickson, 1971). The 14th Amendment was viewed by its

liberal proponents as a means of removing all legal distinctions among all persons born or naturalized in the U.S. Shortly after its adoption, suit was therefore brought in the Supreme Court to use the 14th Amendment to prohibit states from imposing any discriminatory regulations against the "Negro Race" (Slaughter House Cases, 16 Wall 36 (1873); Strauder v. West Virginia, 100 U.S. 300 (1880).

Application of this non-discriminatory guarantee to education was, however, hampered for two fundamental reasons. Although the Court had expressly outlawed discrimation because of color, the inadequate educational facilities that were typical, even in the industrialized North, were generally poorly equipped to handle the addition of black students. The Supreme Court, moreover, in a major decision, ruled in 1896 that when separate facilities are maintained for blacks, legislation banning them from those facilities used by whites is a "valid exercise of the legislative power" (Plessy v. Ferguson, 163 U.S. 537 (1896). In recognizing the existence of "separate but equal" facilities, the Court maintained that the 14th Amendment had been designed to insure "the absolute equality of the races", but was not designed "to abolish distinctions based upon color." The refusal by the Supreme Court to view the establishment of social equality as a basic constitutional right worthy of direct judicial intervention would, for the next few decades, effectively hinder any meaningful attempt to assure equal educational opportunity for all races.

In the years following Plessy, various rationales were used

by the Supreme Court to uphold existing segregationist practices. In Cumming v. County Board of Education (175 U.S. 528 (1899), the Court upheld the action of the local Georgia board in temporarily suspending for economic reasons the black high school, while providing one for whites which black students could not attend. In Berea College v. Kentucky (211 U.S. 45 (1908), the Court similarly ruled that it was legal for Kentucky legislation to prohibit the joint corporate education of whites and blacks. The Court argued that Kentucky did not violate Federal regulations, which were interpreted to apply to individuals, not corporations. Finally in Gong Lum v. Rice (275 U.S. 78 (1927), the Court decided that classifying students by race for purposes of differential assignment to "equal educational facilities" was not in violation of the 14th Amendment. Bullock (1967) notes that through these decisions, the courts laid the foundation during the post-Reconstruction era for the creation of inferior Southern schools that rarely prepared black Americans to be anything more than common laborers.

Litigation directed at achieving equity within the restriction of school segregation began in 1938, when in Missouri ex rel. Gaines v. Canada (305 U.S. 337 (1938), the Supreme Court ruled that although the University of Missouri had acted within its right to restrict admission to its law shcool on grounds of race, it had failed to provide equal facilities for black law students. Ten years later, in Sipuel v. University of Oklahoma (332 U.S. 631 (1948) and again in Fisher v. Hurst (333 U.S. 147 (1948), the Court went

a little further and ruled that equal protection implied either equal opportunities for education for blacks and whites or no opportunities for either race (a ruling in direct contrast to the earlier Cumming case). In all these cases, as well as in Sweatt v. Painter (339 U.S. 629 (1950) and its companion case McLaurin v. Oklahoma Regents (339 U.S. 637 (1950), the Court consistently chose to address itself only to the specific grievances cited by the black plaintiff rather than to examine the broader issue of whether the discriminatory treatment sanctioned under the Plessy "separate but equal" doctrine was legal. Thus, in Sweatt, the Court ruled that the black petitioner should be admitted to the white University of Texas Law School rather than the existing black one, which the Court evaluated as inferior in certain important intangible qualities. In McLaurin, the Court proscribed discriminatory treatment for the black student, who had already been admitted to the University of Oklahoma Graduate School, but felt compelled to show that differences in treatment had impaired the student's ability to study. It was not until 1954 in the landmark case of Brown v. Board of Education of Topeka (347 U.S. 483 (1954) that the Court finally considered the issue of discrimination in education and issued a decision which provided the basis for a new phase of school history - the era of school desegregation.

In Brown, the Court recognized that "education is perhaps the most important function of state and local governments. In these days it is doubtful that any child may reasonably be expected to

succeed in life if he is denied the opportunity of education." Because segregation based solely on race generates a feeling of inferiority that may have vast detrimental effects on black children, the Court overturned the validity of the Plessy "separate but equal" doctrine and ruled that the maintenance of a segregated dual school system is a "denial of the equal protection of the laws" and must, therefore, be ended with all deliberate speed. Both lower federal courts and individual school systems were charged with the responsibility of administering their own programs for the dissolution of separate educational facilities into single integrated systems (Brown v. Board of Education, 349 U.S. 294 (1955). In a companion case involving school segregation in the District of Columbia, (which is exempt from the state bound regulations of the 14th Amendment), the Court ruled (Bolling v. Sharpe, 347 U.S. 497 (1954) that classification based solely on race is unconstitutional, even if no harmful effects can be demonstrated to have resulted from such practices.

Resistance to the concept of integration resulted in another series of litigations. Thus a few years later, the Court in Cooper v. Aaron (358 U.S. 1 (1958) felt compelled to issue an unanimous opinion reminding the state of Arkansas that "the interpretation of the 14th Amendment enunciated by this Court in the Brown case is the supreme law of the land" and, therefore, "invalidates anything contrary to it that may be contained in a specific state constitution." Again in Bush v. Orleans Parish

School Board (364 U.S. 500 (1960) and St. Helena Parish School Board v. Hall (368 U.S. 515 (1962) the Court reminded the state of Louisiana that although education is a state function, it must abide by Federal constitutional guarantees of equal protection, and therefore, must immediately eliminate the "transparent artifice that the state had set up to prevent desegregation." The Supreme Court's statement affirmed a Federal district court's decision which had emphasized that Louisiana was responsible to maintain rough equality in both rich and poor school districts.

Delays in desegregating school systems were common throughout the United States. In Griffin v. County School Board (377 U.S. 218 (1964), the Court chastised the school board of Prince Edward County, Virginia for "entirely too much deliberation and not enough speed in enforcing the constitutional rights guaranteed under Brown." In Bradley v. School Board of the City of Richmond (382 U.S. 103 (1965) as well as in Green v. School Board of New Kent County, Virginia (391 U.S. 430 (1968); Alexander v. Holmes County Board of Education (396 U.S. 19 (1969); Carter v. West Feliciana Parish School Board (396 U.S. 226 (1969) and Northcross v. Board of Education of the Memphis, Tennessee City Schools (397 U.S. 232 (1970), the Court similarly rejected several efforts to slow down the speed with which desegregation was to be accomplished, calling all state inspired delaying tactics "no longer tolerable." Finally in April 1971, the Court, in a farreaching decision unanimously set out standards specifically

instructing school administrators and lower court judges about the means of accomplishing the termination of dual school systems where they continued to exist. In Swann v. Charlotte-Mecklenburg Board of Education (399 U.S. 926 (1970), the Court ruled that both remedial altering of attendance zones as well as pupil transportation to currently segregated schools were acceptable tools to carry out the dismantling of dual school systems. The burden of proof was placed squarely on local school authorities to demonstrate that the existence of segregated schools could not be traced to present or past discriminatory actions on their part.

With the issuance of this most important verdict, the Court had reached a dramatic about face from its 1896 Plessy doctrine. Whereas litigation until 1938 had generally emphasized the validity of the "separate" component of the "separate but equal" provision, a gradual change had occured whereby the Court recognized the overriding importance of the "equal"component, which dictated that equal educational opportunities matched for tangible as well as intangible assests - be provided for all races. The 1954 Brown decision represented an important new frontier, for it acknowledged that the very fact of separateness implied inequality. The 1970 Swann verdict could now be used as a Federal guideline for combatting discriminatory practices outlawed by the Brown decision. With the increasing realization that the large population of black children attending inner city schools made impossible the redress of inferior ghetto education through the

use of integration (see Appendix I), attention shifted in the 70's from litigation designed to force integration to that designed to insure equal funding for schools populated by minority children.

B. Educational Funding Policies: A Pattern of Inequity

1. Background Information

Public education is supported by all three levels of government. Local governmental agencies make the largest contribution, providing more than half the nation's public elementary and secondary school revenues. State agencies follow with 41% of the total, trailed by the national government, which raises about 7% (Berke, 1974). Despite this multilayered system of educational funding, radical disparities between local districts in the amounts of money available for education have been a consistent feature of the American educational system (Benson, 1965; Berke, 1974; Weinberg, 1962).

Most cities and school districts raise a major proportion of their revenue and hence a major share of their support of education from their local property tax. Critics have frequently cited the arbitrary nature of the local property tax as the basis for funding education. Berke (1974), for example, points to the uneven distribution of amounts and types of property among different school districts. Variations in the property tax base result in wide variations in the amount of money spent on education of students located in different states - and even for those located in neighboring districts in the same state. What exacerbates the situation is that communities with higher proportions of children from minority groups or impoverished

homes tend to be in the poorer districts, which have less revenues for educational purposes. Guthrie et al. (1971) states that the frequently inverse relationship between taxable wealth and the need for educational services runs directly counter to the predominant view of education as a vehicle for social mobility, where those individuals from impoverished social backgrounds can receive adequate educational help. The downward spiral of property values in the inner city as compared to outlying suburbs, plus the higher operating costs of inner city schools (i.e., urban costs of land, fire insurance, vandalism repair and upkeep of often aged buildings), offer additional reasons for the provision of less per pupil monies for instructional purpose for ghetto children. In this regard, Campbell and Sacks' (1967) finding that the increased costs of running city governments create a situation where cities frequently spend 20% less than suburban areas for their educational systems is especially alarming. This situation attests to the "urgent need" for reform of the property tax basis for funding schools (U.S. Advisory Commission on Intergovernmental Relations' 1968 report).

The mismatch between educational needs and resources extends to state aid also. Most states have recognized an obligation to aid local communities in their support of education either through variable equalizing grants designed to supplement the minimal expenditure levels characteristic

of poor districts or flat, per pupil grants (Munse, 1965). Despite these attempts at equalization, state aid programs have patently failed to offset fiscal disparities among school districts. A recent study by Briley (1971) concludes that in 14 states, the most favored districts in terms of revenue had more than twice the revenue per pupil as did the least favored, while in 42 states, the most favored district had 1-1½ times more revenue per pupil than did the least favored. Failure to equalize state aid formulas can be traced to the use of such devices as "floors", which assure that all districts regardless of their wealth receive some state aid, "ceilings", which prevent some of the poorest districts from receiving enough state aid to bring them to the average expenditure level, and "save harmless" provisions, which insure that no district will receive less than it did the previous year. State aid formulas also typically use measures of community wealth and educational need that are either outdated or otherwise insensitive to the problems of urban cities.

Federal monies have not significantly effected funding inequities generated at the state level. Singleton (1975) cites the report of the Lawyers' Committee on Civil Rights which found that while Title I (Elementary and Secondary Education Act) has comparability requirements which require redress of interdistrict inequities before Federal funding can be used, over 80% of the school districts in the United

States are in violation of the comparability requirement. According to Kelly (1971), Federal funds can provide "only approximately $1 per participating child per day," a level far too low to have a significant impact on educational opportunity. Although Berke (1974) maintains that these funds represent a significant potential for the development of compensatory funding principles, Iannacone (1972) notes that Title I monies are too limited to effect any change in education.

In view of the fundamental defects in the funding formulas used by federal, state and local governments to finance education, it is not surprising that widespread disparities exist between districts within the 49 states that maintain local school districts (Hawaii has a unitary statewide school system). As evidenced from Appendix II (Intrastate Disparities in Expenditures Per Pupil 1969-1970) some states spend far more on the education of their pupils than do others. Jencks (1972) notes that by and large, the southern states are characterized by their low levels of expenditure. Given the large number of black children being schooled in the South, this fact, taken from a national perspective represents a denial of educational opportunity (Jencks, 1972). The different funding levels that characterize state by state comparisons also extend to a district by district basis. Column 3 of Appendix II lists the ratio relationship between the richest and poorest

districts within given states. The size of the ratio testifies to the fact that substantial differences exist in the quality of education afforded students living in different parts of the same state. The racial character of part of this discrepancy is apparent with a closer examination of funding practices for selected districts in some major states (Appendix III). Appendix III presents the disparities between selected central cities (urban ghetto) and their best surrounding outer city (suburban) school system in terms not only of dollars but also of ratios of pupils to teachers. The gross disparities in reported class size include such extreme interdistrict comparisons as between the city of Los Angeles and the district of Beverly Hills. There are one and a half times as many students per teacher in Los Angeles with only half as much increase in expenditures. Translated, this data suggests that the suburban Beverly Hills child attends smaller classes in a better funded school setting.

Evidence of lower support levels for predominantly black inner city schools need not be restricted to the interdistrict comparisons reported in Appendix III. Summary data for the mid-1960's for 37 large metropolitan areas clearly indicate a similar trend. After analyzing the level of educational expenditure on both per capita and per pupil basis, Spratlen (1973) concludes that on a per capita basis, the unweighted average level of expenditures

for central city schools was 27.4 percent less than the level for schools outside the central city, while on a per pupil basis the level was 21.6 percent less. In several cities (e.g., Houston, Seattle), moreover, the per capita proportion dipped as low as 62.2 percent less than the typical outer city level, with the expenditure per pupil basis in the inner city making corresponding drops to 14.4 percent less in Seattle and 60.8 percent less in Houston. Drawing on this data, Spratlen maintains that "to disregard racial disparity as part of the cause of the inequity is to omit a significant part of the social reality of scarcity and resource allocation in the economy as well as in the educational system." Examination of discrepancies in support for predominantly black schools, would, apart from the aforementioned outer-central city comparisons, provide a strong basis of support for Spratlen's thesis.

Spratlen, for example, notes that Washington, D.C. had a median per pupil expenditure of $295.00 for 1964-65. Fifty-six percent of black schools were below the median while only sixteen percent of white schools were supported at such a low level of expenditures. Conversely, whereas only 44 percent of black shcools were above the median, almost twice as many white schools (84%) were above the median. An earlier survey by the U.S. Commission on Civil Rights (1962) reveals similar evidence of racial disparity for the city of Chicago. Whereas the 1962 (1) total appropriation

per pupil - for the white students - was $342.00, only 269.00 (78.7%) was spent for blacks; (2) whereas the allocation for library resource books per pupil for whites was $5.00, blacks received only $2.50 (50%); (3) whereas the expenditure per pupil other than for teacher's salaries for whites were $86.00, blacks received only $49.00 (47%) and (4) whereas the percent uncertified teachers for the whites was only 12%, the corresponding black rate was 49% (an increase of 408.3%).

Owen (1972) in an empirical analysis of data from nine cities cited in the Coleman report, and supplemented with published material from the Bureau of the Census and other sources, reaches similar conclusions. Owen notes that teachers in the schools in lower income and non-white neighborhoods generally have less teaching experience and lower verbal ability scores. These findings are supported by results reported in the Coleman report (1965), which documents a nationwide difference in educational opportunity - where blacks, many of whom live in the poor inner city area, have "fewer of some of the facilities that seem most related to academic achievement. They have less access to physics, chemistry, and language laboratories; there are fewer books per pupil in their libraries, their texbooks are less often in sufficient supply. So too they often have less access to curricular and extracurricular programs." Evidence of both a historical trend towards lower levels of support for the education of minority children as well as the existence of institutional restraints, which whether they be based on demographic (e.g., evidence of population shifts) or economic reasons (e.g., decreases in the local tax base)

insure that such disparities remain unresolved, can not be easily dismissed.

2. Litigation: Educational Funding

Persistent inequities in educational financing have led to a series of legal challenges to existing school financing practices.

In a precedent setting case that has had nationwide repercussions, the California Supreme Court recently ruled that a finance system, which resulted in a Beverly Hills school raising $1,107.00 per pupil while its counterpart in the Baldwin Park school district, which contained a high proportion of disadvantaged students and serious educational problems, raised only $2.70 per pupil, was grossly unjust (Serrano V. Priest, 5 Cal. 3d 584, 487 P. 2d 1241, 96 Cal. Rptr. 601 (1971). The California Court noted that education is a "fundamental right" which should not be predicated on the financial wealth of a community. Use of the local property tax to finance school districts in such a disproportionate matter was, therefore, considered to be a violation of both the equal protection clause of the 14th Amendment to the U.S. Constitution and the equal protection guarantees inherent in the California state constitution. The state was ordered to show cause why the present system of school finance should be maintained in light of the Court conclusion that a significant relationship does exist between the level of educational

expenditure and the quality of educational outcome.

The impact of the Serrano challenge was immediate. In the succeeding year, more than 50 actions challenging the constitutionality of school financial systems were brought in 31 different states. School finance laws, which had led to denials of equal educational opportunity, were overturned in Texas, Minnesota, Arizona, Kansas, Michigan and New Jersey. The growing trend of legal redress by the Federal court system of state financed educational inequality was, however, abruptly halted a year later. In a five to four decision which upheld the constitutionality of the Texas school finance system, despite its apparent discrimination against children living in low wealth school districts, the U.S. Supreme Court (San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973) maintained that education is not entitled to constitutional protection, for it is neither explicitly nor implicitly guaranteed by the national constitution. Only concrete evidence of some palpable injury caused by an individual state system would, therefore, render that system unconstitutional. The Court concluded that a state may constitutionally vary the amount of money available per child's education from school district to school district, for such a system allows both community control as well as "adequate educational opportunity."

In reaction to the Supreme Court's decision, attention shifted to the various state judicial systems, to whom the Court had allowed latitude in interpreting their own consititutions, to seek possible redress under individual state equal educational opportunity clauses.

Less than a month after the Rodriguez decision was handed down, the New Jersey Supreme Court found that New Jersey's school finance statutes had violated the state constitutional mandate to provide "a thorough and efficient system of free public schools" (Robinson v. Cahill, 62 N.J. 473, 303 A 2d 273 (1973). The Court observed that a "thorough and efficient system" can only be viewed as one that provides the "educational opportunity which is needed in the contemporary setting to equip a child for his role as a citizen and competitor in the labor market." By declaring unconstitutional any system of financial support, which through inequities in educational funding does not allow for such equal educational opportunity for all students regardless of where they live in the state, the New Jersey case challenged the use of the property tax for the funding of education. The case helped establish an alternative litigation strategy for redress of financial inequity that could be effectively utilized outside the Federal court system.

A different approach was adopted when the Serrano

case was remanded from the California Supreme Court back to the original trial judge. Rather than base its decision on the state education clause, the Court ruled that the disparities in local revenues for education violated California's equal protection clause and was, therefore, unconstitutional. Both cases laid the foundation for the future use of equal educational opportunity or equal protection provisions, which can be found within the constitutions of almost every state in the union. Successful challenges to existing systems characterized by fiscal inequity have already been brought under these two provisions in Connecticut (Horton v. Meskill, No. 18-52-83 Super. Ct. Conn. Dec. 26, 1974) and are pending in a number of other states (Lidquist & Wise, 1976). These cases can be viewed as direct outgrowths of the earlier trend to use the courts as unbiased instruments of intervention to correct existing sources of discrimination, whether they be in the institutional or financial realm.

C. School Practices: An Environment of Racism

1. Suspension Rate

Minority children must often confront recurring instances of discrimination in their daily school environment. An analysis by the Children's Defense Fund (1974) of data collected by HEW's Office of Civil Rights from five states (Arkansas, Maryland, New Jersey, Ohio and South Carolina) amply demonstrates this fact. Of the 152,904 students suspended at least once during the 1972-73 school year, over 50% of those students were minority, though less than 40% of the total enrollment was minority. In 100 of the districts surveyed, at least 10% of the black student population had during that year been suspended, with black male suspensions occuring more than 3 times as often as white males, and black females over 4 times as often as white females. The Children's Defense Fund concludes that not only are minority children more frequently suspended but also in "districts where there are few blacks, Puerto Ricans or Chicanos, it is the lower income children who often bear the disproportionate blunt of school official's disciplinary action." Cognizant of these onimous trends, the report concludes that it is "almost as if some group of children must be scapegoated by some officials."

Evidence of such biases in school treatment have, much like the evidence of fiscal inequity, led to litigation. In a recent Court case involving the Dallas, Texas school system (Hawkins v. Coleman, 376 F. Supp. 1330 N.D. Tex. (1974), the judge found that blacks were systematically suspended more frequently,

endured longer suspensions and were also subjected to corporal punishment more often than whites - especially in schools where whites were a majority. The Court moreover found that conduct by blacks, which would not be "unusual" or "offensive" in a black environment, was viewed by many teachers as "disruptive" and, therefore, suspendable conduct in their particular classrooms. Discriminatory use of such sanctions in the school system were attributed to "institutional racism." Recognizing this fact, the Court ordered a total overhaul of school disciplinary procedures in a manner that would guarantee that such discriminatory practices are not returned to. The recent Supreme Court decision that procedural safeguards designed to insure due process of law are constitutionally required even with a suspension for one to ten days (Goss v. Lopez, 419 U.S. 565 (1975) will be a powerful tool in the battle against the discriminatory use of suspension to remove children from classrooms.

2. Use of Biased Resources

In 1949, a survey by the American Council on Education found that references to blacks, if any, in high school textbooks then in use, were devoted to the period before 1876 and totally reinforced the prevalent white stereotype of the blacks as inferior, lazy, incompetent children. This view of blacks as both content with the pre-1865 slavery system and responsible, to a large degree, for governmental corruption in the post - war Reconstruction era, was reinforced by the major historical works of that period. In Reconstruction: Political & Economic (1907), Professor William Dunning of Columbia University maintains that the excesses of Reconstruction demonstrated the tragic mistake of the 14th and 15th Amendment in granting equal rights to the "mass of barbarous freedmen." Nevins and Commager (1945), in their Short History of the United States, conclude that governments established by blacks were probably "the worst that have ever been known in any English speaking land." One can easily imagine how such position statements presented without comment either to the major challenge that emancipation brought as well as to the many problems bred by a war ravaged South could engender conclusions that the blacks are indeed an inferior race. Biased position statements are also frequently found in scholarly treatises of that period. Hart (1912), for example, writes that the use of such discriminatory devices as literacy tests, poll taxes and "grandfather" clauses was quite

justifiable, in view of the theory that "the Negro mind may cease to develop after adolesence." Howard Odum, President of the American Sociological Society, similarly classified blacks, in a major 1930 address, as "shifty, indolent, dishonest and untruthful "[2] (Odum, 1951), A more recent study by the B'nai Brith's Anti-Defamation League (Marcus, 1961) notes that even with the post - Brown awareness of racial discrimination, little progress has been made since the study the league completed in 1949. Rather than attempt a serious discussion of the current struggle and changing status of black Americans, Marcus found that most high school texts treat racial inequity and attempts at its eradication with complacent generalizations. In general, textbooks used in schools throughout the United States ignore the achievements of the American black. Photographs and other visual material usually portray America as a totally white nation. Similar findings are reported by a team of historians from the University of California. After studying the treatment of American blacks in the most widely used California texts, Stampp (1965) found that the textbooks virtually omitted blacks and played down or denied the long history of violence against them, "suggesting in different ways that racial contacts have been distinguished by a progressive harmony."

Anderson (1966), in a review of elementary social studies textbooks, observed that many texts completely omit discussions of the institution of slavery, an omission which suggests that blacks arrived rather than were forced to come to America.

2. Although some of these statements were later retracted, their immediate impact upon the school systems of that time cannot be discounted.

Anderson notes that the texts often combined this glaring omission with a perpetuation of unscientific 19th Century notions of race. Based upon these and other studies, Sloan (1966) concludes that although significant improvements have been made since the early 1950's, "in most of the texts it can be said that the Negro is considered only a slave before the Civil War and a problem since." Krug (1970) notes some improvements and major revisions, especially along lines that would emphasize "an open committment to the basic fundamental values of human freedom" for all races and an open recognition of the indignities suffered by blacks in our past history, are necessary.

There are many examples of how the textbooks and resources used in an educational system reflect the racial climate of that system. Banks (1969) relates the interesting story of the Follett Educational Corporation, which in the early 1960's decided to be innovative and publish, in conjunction with the Detroit Board of Education, an integrated reading series. Banks notes that although Detroit parents were happy with the text produced, no other school system adopted it, for most educators felt that their school systems were "not ready for integrated textbooks." Similar sentiments towards the introduction of racially accurate materials are reflected in the old New York City curriculum guides. Mayer (1961) notes that despite an overwhelming number of students from immigrant, black or Spanish speaking backgrounds, the 1960 curriculum suggestions for class

discussion typically reflect middle class pursuits that have little relevance to the experience of the typical ghetto child (e.g., choosing a career, going on a family vacation, using the family car). Although such blatant instances of disregard for the experience of the typical ghetto child have recently become rarer, Blackburn (1970) notes that many schools still have not revised their educational programs to include materials that recognize the role played by black Americans in the development of the United States. Despite the development of curriculum materials for Black Studies programs, many educators still excuse their intransigency by arguing that "good" materials are unavailable. Newton (1974) suggests that such positions are an indefensible vestige of 200 years of racist attitudes.

Black (1967) points out that about 75% of a child's classwork and 90% of his homework centers around the elementary and secondary school textbook. Given the significant role that textbooks play in school life, it has been suggested that how people are portrayed in textbooks can have a tremendous influence both upon the development of the student's self image and as a moderator of student-teacher relationships. Exposure to texts which reflect the culturally pluralistic composition of the classroom have been found by both Trager and Yarrow (1952) and more recently by Yawkey (1973) to have a significant influence upon the development of the students' racial attitudes in a direction more favorable to the black. Similar results were found in an experimental study by Lichter and Johnson (1970)

with the use of multiethnic and traditional all-white readers. These results are not, however, limited to the attitudes of others but more importantly may extend to both the development of self-confidence and positive self-image by the black student himself. Johnson (1966) studied the effect of learning black history on the racial attitudes of black children. He found that exposure to a multiracial concept of history that recognized the black role generated both an increased degree of self-confidence as well as increased belief in the principle that all people are equal. Georgeoff (1967) similarly reports evidence that such multiracial study tends to improve intraclass harmony while at the same time raising the self-concept of both black and white children.

In view of these and other findings, the persistent use of often segregated texts and curriculum materials, whose presence can only reinforce the present degree of inequity in our school system, can hardly be justified.

E. Conclusion

The minority child has traditionally been subject to discriminatory bias both in the quality of educational opportunity offered him as well as in the attitude of important scholarly figures towards his educational abilities. Judicial interventions to ensure equal treatment for all as well as the heightening of public concern against all forms of discrimination have resulted in major modifications of open racism. Funding formulas tied to property wealth, disciplinary procedures that inordinately affect members of a specific minority and the use of resource materials that at best present a distorted picture of some ethnic groups all represent discrimination in its latest form. Current discriminatory practices, considered as covert racism, provide a fertile ground for the belief that the members of a particular social and economic class are inherently inferior to those of another group. A testing policy, which knowingly continues to use inappropriate tests and testing procedures, reinforces this discriminatory bias.

Appendix I

1 . See dissent of Judge Craven to Brunson v. Board of Trustees of School District No. 1 of Calrendorn City, 429 F. 2d 820, 4th U.S. (1970) where he notes that after issuance of the integration guideline, 110 white students fled the public school system in favor of a parochial private school and see Milliken v. Bradley, 418 U.S. 717 (1974), where the problem of inter-district busing to redress overwhelming racial imbalance is discussed. Also see, for example, Silberman, C. E. Crisis in Black and White. New York: Random House, 1968 where he notes that from just 1957-58 to 1963-64, the number of black students in the public schools increased 53% while the number of white students declined by 8.3%, making integration a practical impossibility.

Appendix II: INTRASTATE DISPARITIES IN EXPENDITURES PER PUPIL 1969-1970

	High	Low	High/Low Ratio
Alabama	$ 581	$344	1.7:1
Alaska[a]	1,810	480	3.8:1
Arizona	2,223	436	5.1:1
Arkansas	664	343	2.0:1
California	2,414	569	4.2:1
Colorado	2,801	444	6.3:1
Connecticut	1,311	499	2.6:1
Delaware	1,081	633	1.7:1
District of Columbia	...	...	...
Florida	1,036	593	1.7:1
Georgia	736	365	2.0:1
Hawaii	...	...	...
Idaho	1,763	474	3.7:1
Illinois	2,295	391	5.9:1
Indiana	965	447	2.2:1
Iowa	1,167	592	2.0:1
Kansas	1,831	454	4.0:1
Kentucky	885	358	2.5:1
Louisana	892	499	1.8:1
Maine	1,555	229	6.8:1
Maryland	1,037	635	1.6:1
Massachusetts	1,281	515	2.5:1
Michigan	1,364	491	2.8:1
Minnesota	903	370	2.4:1
Mississippi	825	283	3.0:1
Missouri	1,699	213	4.0:1
Montana (average of groups)[b]	1,716	539	3.2:1
Nebraska (average of groups)[b]	1,175	623	1.9:1
Nevada	1,679	746	2.3:1
New Hampshire	1,191	311	3.8:1
New Jersey (1968-69)[c]	1,485	400	3.7:1
New Mexico	1,183	477	2.5:1
New York	1,889	699	2.8:1
North Carolina	733	467	1.4:1
North Dakota (county averages)[d]	1,623	686	2.3:1
Ohio	1,685	413	4.0:1
Oklahoma	2,566	342	7.5:1
Oregon	1,432	399	3.5:1
Pennsylvania	1,401	484	2.9:1
Rhode Island	1,206	531	2.3:1
South Carolina	610	397	1.3:1
South Dakota	1,741	350	5.0:1
Tennessee	700	315	2.4:1
Texas	5,334	264	20.2:1
Utah	1,515	533	2.3:1
Vermont	1,517	357	4.2:1
Virginia	1,126	441	2.6:1
Washington	3,406	434	7.8:1
West Virginia	722	502	1.4:1
Wisconsin	1,432	344	4.2:1
Wyoming	14,554	618	23.6:1

Source: President's Commission on School Finance, internal document.

Notes: Data are not fully comparable among states since they are based entirely on the data supplied by the individual state and included in its analysis of expenditure per pupil.

a. Data represent revenue per pupil

b. Data are the high and low of average for districts grouped by size.

c. Data are for the 1969 financial year, since 1970 financial year data were not available.

d. Data are averages of expenditures of all districts within a county.

Appendix III:ENROLLMENT, PUPIL-TEACHER RATIO, AND PER-PUPIL EXPENDITURES
SELECTED CENTRAL CITIES AND SUBURBS, 1967

City and Suburb	Enrollment	Pupil/ Teacher Ratio	City Ratio As per Cent of Suburb Ratio	Per Pupil Expen- ditures	City Expen- ditures As per cent of Suburb
Los Angeles	645,059	27		$ 601	
Beverly Hills	-	17	159%	1,192	50.4
San Francisco	95,014	26		693	
Palo Alto	-	21	125%	984	70.4
Chicago	572,026	28		571	
Evanston	-	18	156%	757	75.4
Detroit	296,089	31		530	
Grosse Ponte	-	22	141%	713	74.3
St. Louis	116,789	30		525	
University City	-	22	136%	747	70.3
New York City	1,106,664	20		854	
Great Neck	-	16	125%	1,391	61.4
Cleveland	153,350	28		559	
Cleveland Heights	-	22	127%	703	79.5
Philadelphia	288,055	27		617	
Lower Meriod	-	20	135%	733	84.2

Source: Wilson C. Riles (Ed.), The Urban Education Task Force. New York: Praeger Publishers, 1970, p. 306. Based on analyses by Gerald Kahn and Warren A. Hughes, Statistics of Local Public School Systems, 1967. Washington, D.C.: National Center for Educational Statistics, U.S. Office of Education.

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"There are only a few incompetent children in the world if you classify them from the perspective of the community of adaptation, but millions of incompetent children if you classify them from the perspective of another society."

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III. THE SOCIAL HISTORY OF INTELLIGENCE TESTING

In order to understand intelligence testing in the United States today it becomes necessary to trace it back to its origins within a specific political, social, and historical context. The "father of mental testing" Sir Francis Galton established in the 19th century an anthropometric laboratory to measure individual differences in sensorimotor discrimination; Galton proposed that these tests of sensorimotor discrimination could serve as a means of gauging a person's intellect (Anastasi, 1968). He held the view that most human differences are innate, attributable to nature rather than to nurture, and that these tests could differentiate between intellectual capacities. Further, Galton pointed out that once these biologically determined intellectual capacities could be measured, it should be possible to improve the human stock in much the same way as which farm live stock has been improved. This would require social control over human marriage and reproduction. Galton (1865), gave the name "Eugenics" to the study of such ways of improving the human race. As originally stated by Galton it was intended "to give the more suitable races or strains of blood a better chance of prevailing speedily over the less suitable than they otherwise would have had." Galton had noted that "idiots" tend to be defective in the ability to discriminate heat, cold, and pain. This observation coupled with his interest in heredity and eugenics as a method of social reform, provided the impetus to devise tests of sensorimotor discrimination (Dunn, 1946). He believed that sensory discriminative capacity would on the whole be highest among the

intellectually ablest (Anastasi, 1968).

In the 1880's the American psychologist James McKeen Cattell introduced the Galton tradition in testing to the United States. Cattell shared Galton's view that a measure of intellectual functions could be obtained through tests of sensory discrimination and reaction time.

While Galton in England and Cattell in the United States were developing tests that inferred complex intellectual abilities from simple sensorimotor ones, a basically different theory and method was being developed in France by Alfred Binet. Binet had long been interested in educational problems, particularly those having to do with the education of retarded children (Goodenough, 1949). The Binet-Simon Scale developed in 1905, was theoretically designed to assess a child's deficiencies and enable teachers to write a program of instructions suitable to the age level of the child. Binet and Simon rejected a mechanistic view of intelligence testing asserting that the results of testing must be interpreted, and that the test scores should not be looked upon as a fixed quantity.

The orientation of the American importers of Binet's Scale was very different. In the twentieth century, the major translators and importers of Binet's Scale were Lewis Terman at Stanford, Robert Yerkes at Harvard, and Henry Goddard at Vineland, New Jersey. These early promoters of the mental testing movement in America shared a number of socio-political views exemplified by their participation in the turn-of-the-century Eugenics movement (Kamin, 1975). The fusion of Goddard's eugenical viewpoint with his interest and work in the area of mental testing is

demonstrated in a lecture before a Princeton audience on the new science of "mental levels." The new science he pointed out, had invalidated the arguments of gentlemen socialists who in "their ultra altruistic and humane attitude" were embarrassed that their own shoes cost $12, while those of a laborer cost only $3 (Kamin, 1975). Goddard states, "now the fact is that a workman may have a ten year intelligence while you have a twenty. To demand for him such a home as you enjoy is absurd as it would be to insist that every laborer should receive a graduate fellowship. How can there be such a thing as social equality with this wide range of mental capacity?" (Goddard, 1920, p. 8). Goddard as the director of the Training school at Vineland, New Jersey was the first to translate the Binet Intelligence Scale into English. Although often referred to in the literature as the "Goddard Revision" of the Binet-Simon Intelligence tests, Goddard's two scales are translations of the 1908 and 1911 scales without real change (Goodenough, 1950).

In 1916 Lewis Terman published his revision of the Binet-Simon Intelligence Test. In his book introducing the revision, Terman states that Indian and Mexican children performed poorly and that "their dullness seems to be racial, or at least inherent in the family stocks from which they come. The fact that one meets this type with such frequency among Indians, Mexicans, and Negroes suggests quite forcibly that the whole question of racial differences will have to be taken up anew. Children of this group should be segregated in special classes... they cannot master abstraction, but they can be often made efficient workers...there is no possibility at present of convincing society that

they should not be allowed to reproduce...they constitute a grave problem because of their prolific breeding" (Terman, 1916, p. 6).

In 1915, Robert Yerkes of Harvard University published his translation and revision of the Binet Scale. Yerkes' scale differed from Goddard's, Terman's, and Binet's in that the child's score was not calculated in years, but in a point method of scoring. Although Yerkes' test construction differed from Goddard and Terman, his socio-political views were similar. In his book introducing the point scale Yerkes cautions, "...never should such a diagnosis be made on the IQ alone...We must inquire into the subject's economic history. What is his occupation; his pay...we must learn what we can about his immediate family. What is the economic status or occupation of the parents...When this information has been collected... the psychologist may be of great value in getting the subject into the most suitable place in society" (Yerkes, 1923, p. 8 as cited in Kamin, 1975).

The genetic interpretation of socioeconomic class differences fostered by Terman, Goddard, and Yerkes had practical consequences when in 1912 the U.S. Public Health Service invited Henry Goddard to Ellis Island to apply the new mental tests to arriving Euporean immigrants. Goddard reported that based upon his examination of the "great mass of average immigrants," 83% of Jews, 80% of Hungarians, 79% of Italians, and 87% of Russians were "feebleminded" (Goddard, 1913). Goddard reported in 1917 that the use of mental tests "for the detection of feebleminded aliens" had vastly increased the number of aliens deported (Kamin, 1975).

When the United States entered World War I in 1917, a committee was appointed by the American Psychological Association to consider ways in

which psychology might assist in the conduct of the war. This committee, under the direction of Robert Yerkes, adopted the position that it was necessary to rapidly classify the million and a half recruits with respect to their "general intellectual level." Such information was felt to be relevant to many administrative decisions, including rejection or discharge from military service, assignment to different type of service, or admissions to officer-training camps. It was in this war setting that the first group intelligence test was developed (Anastasi, 1968). The results of the army's testing program were later analyzed by the country of origin for those who were foreign born. The data published in 1921 reports that "the Latin and Slavic countries stand low." The Poles it was reported, did not "score significantly higher than the blacks."

In Carl Brigham's book A Study of American Intelligence, (1923) the army data on immigrants is re-analyzed and the following concluded, "We are incorporating the Negro into our racial stock, while all of Europe is comparatively free from this taint...The steps that should be taken... must of course be dictated by science and not by political expediency... And the revision of the immigration and naturalization laws will only afford a slight relief...the really important steps are those looking toward the prevention of the continued propagation of defective strains in the present population " (P. 210). The political usage of Brigham's book and of the army data was immediate and intense. The army data was used in the debates on the new immigration law being considered in Congress which set quotas for immigrants based on country of origin. The law passed in 1924, not only restricted the total number of immigrants, but

also assigned "national origin quotas." That is, immigrants from any European country would be allowed entry into America only to the proportionate extent that their countrymen were already represented in the American population, as determined by the census of 1890. The Congressional proponents of the law frankly asserted that the 1890 rather than the 1920 census was used in order to curtail biologically inferior immigration from southeastern Europe. Kamin (1975) provides a number of examples of how the army data was used during Congressional Committee hearings. One example cited in the report to the House Committee, on January 24, 1923 stated, "The fact that the immigrants are illiterate or unable to understand the English language is not an obstacle..."Beta"[3] is entirely objective..We..strenuously object to immigration from Italy, Russia, Poland, Greece, Turkey. The Slavic and Latin countries show a marked contrast in intelligence with the Western and Northern European group..we shall degenerate to the level of the Slavic and Latin races."

Using the army tests as an example, public school officials seized upon the idea of Intelligence testing and ability grouping. In many instances, existing tests were adapted for use in the school setting. The new "scientific" methods of educational testing were employed to sort and select hundreds of thousands of pupils into "ability groups", thus identifying, labeling, and isolating children on the basis of their test performance.

The categorization of children on the basis of their IQ test scores has consistently reflected social class and cultural-racial group differences.

3. The Army Beta Intelligence Test developed by Yerkes (1921) was a revision of the Army Alpha Intelligence Test. It was designed especially for "illiterate" immigrants who were unable to understand English. It was a first attempt to adjust for cultural differences.

A diversity of explanations for these differences have been offered historically. The Galton tradition represented in America by Terman, Goddard, and Yerkes proposed a genetic interpretation. Certain racial groups are genetically inferior to others in intelligence, and socio-economic status differences in IQ test performance can be attributed to social selection processes whereby the brighter people are those who will have climbed higher in the social structure. Alternatively, test differences have been atributed to environmental variables. Only membership in a high social strata or in a particular cultural subgroup provides the "mental stimulation" necessary for intellectual development. A child lacking such an environment will fail to develop complex intellectual capacities. In the past two decades the labels "culturally disadvantaged", "culturally deprived", and "culturally handicapped" have been assigned to minority group children. It has been suggested that these value-laden labels serve to circumvent the 1954 Supreme Court decision outlawing segregation on the basis of race, by legitimizing the segregation of these children into special education classes on the basis of their IQ test performance (Bryen and Bartel, 1973).

The Intelligence Testing movement in America, rooted in the Galtonian model of fixed and genetically determined intelligence, offered "Scientific" and "Objective" rationales for why the "failures" of society fail. "The method of intelligence test construction itself automatically and circularly determined at the same time that (general intelligence) could be found in abundance only amongst upper and middle class children." (Daniels and Houghton, 1972). The widespread use of psychometry provided the

allocation of social roles and educational resources in society with an "appearance of justice." Socioeconomic class differences were justifiable when they could be attributed to merit rather than to family origin. The "meritocracy" had replaced the "aristocracy."

A. The Culture-Free Movement: Why it arose and how it failed

The observed discrepancy between the IQ scores of different ethnic, racial, and cultural groups led critics of standard objective intelligence tests to question whether the results obtained were not heavily influenced by a host of extraneous culturally specific factors, providing therefore a biased assessment of the inherent intellectual capacity of minority group children. The culture-free movement emerged as an attempt to overcome the cultural bias inherent in standard intelligence tests which placed emphasis on the measurement of verbal and informational facility. Culture-free test advocates maintained that a test could be constructed which would eliminate all items whose content or style of response favors a range of experiences unique to a specific culture. Their objective was to uncover the underlying intelligence which "lies buried in pure form deep in the individual." "A culture-free test would presumable probe learnings which had not been affected by environment" (Wesman, 1968).

Culture-free tests are largely non-verbal measures which involve a minimum of written instructions and do not employ set time limits. They have been standardized on a sample containing individuals from various minority groups so that an individual's score can be compared to others in his own cultural group. Examples of culture-free tests are the Cattell Culture-Free Intelligence Test (1940), a measure which employs subtests involving symbol copying, picture classification, maze solution, and other tests of facility in handling abstract materials; the Davis-Eells Games Test (1953) which

attempts to measure the problem-solving ability of children; the Goodenough Draw-A-Man Test (1926), where the subject's conceptual maturity in drawing pictures of men and women is examined; the Porteus Mazes Test (1915) which measures the subject's planning ability; and Raven's Progressive Matrices (Burke, 1958) where the subject's organizational ability is assessed by requiring him to select from among a given number of alternatives the piece that completes the given test design. The expectation that these "culture-free" tests would objectively assess a child's intellectual capacity irrespective of his cultural background and thereby eliminate the discrepancy between average scores of different ethnic, racial, and cultural groups. This objective was not met. The supposedly culture-free test still contained enough biased items to generate a pattern of sure variations across cultural groups which was similar to that obtained using traditional intelligence measures (Marquert and Bailey, 1955). An empirical analysis of Cattell's Culture-Free Test shows that Scale I of the measure correlates .74 with the Stanford-Binet, and Scale II correlates .81. Additional results obtained by Fowler (1957) with the Davis-Eells Games, Newland and Lawrence (1953) with the Chicago non-verbal exam, Woods, Boger and Holman (1959) with the revised Beta Scale corroborate the non-distinctiveness of the so-called culture-free test scores from the traditional intelligence test measures. Vernon (1969) concludes that the skills required for success on the abstract reasoning tasks of most "culture-free" and "culture-fair" measures

would appear to be as much a product of cultural and educational variables as those involved in more traditional verbal reasoning tasks.

There is a growing body of research evidence (Higgin and Sivers, 1948; Vernon, 1965; and Ortar, 1963) which suggests that some non-verbal and performance measures may be more culturally loaded than most traditional verbal tests. Ortar (1963) for example, notes that pictorial symbols often represent a highly conventionalized mode of communication within a specific culture. These meanings may not transcend their immediate culture-bound reference. The low reliability of certain culture-free tests (Ludlow, 1956), and their inferiority in predicting scholastic achievement (No. 11, 1960) limits their functional utility. Deutsch et al. (1964) in formulating guidelines for the testing of minority group children suggests that while "culturally fair" tests may reduce the content bias in the test items which places certain cultural groups at a disadvantage in relation to others, they may fail to measure or predict criteria deemed important within the current educational system.

The basic premise of the culture-free-movement, that intelligence is an entity which can exist independent of environmental context and an individual's developmental history, has been subject to wide criticism. It has been argued that, "Efforts to develop culture-free tests are doomed to failure from the beginning. All human experience is modulated by human society, and no test can be experience free. Experience, furthermore, cannot be separated from its social context. The materials used in the test, the language of the test, the manner

of getting the testee to respond, the criteria for choosing which responses to record, the categories into which responses are classified, the test's validity criterion - all are culture bound." (Padilla and Garza, 1975). Senna (1975) in his analysis of the concept of IQ concludes that a score which assumes the theoretical independence of intelligence and learned experience (an assumption which the culture-free IQ tests necessarily espouse), cannot possibly be meaningful, for thought processes cannot exist in the absence of a culturally defined substance, which is being thought of. Cleary et al. (1975) similarly concludes that, "There are no measures of innate capacity." The inevitable interdependency of abstraction, and the real life cultural experiences from which a child learns to abstract, makes the construction of a universal measure of inherent intellectual ability unrealistic. Psychologists today generally agree that what was envisioned by the advocates of the culture-free movement must be considered as illusory. (Cleary et al. 1975; Deutsch et al. 1964; Goodenough and Harris, 1950; Padilla et al. 1975; Sattler, 1974; Wesman, 1968).

IV. CRITICAL ISSUES IN THE INTELLIGENCE TESTING OF MINORITY GROUP CHILDREN

Problems inherent in the testing of minority group children have not disappeared. Studies by Davis (1948), Jensen (1975), and Mercer and Brown (1973) indicate that intelligence tests currently in use contain a preponderance of items which uniquely reflect the experiences, attitudes and values of the dominant, white middle class majority and are, therefore, inappropriately used with minority group children. A low score on an information or verbal ability subtest may contribute heavily to an overall low IQ score. These results do not identify a deficit in the inherent intellectual ability of the minority child. These results may however represent the child's lack of familiarity with the subtleties of the English language or his lack of knowledge of the middle class culture and value system. Test factors which may interfere with the accurate evaluation of a minority child include the content of the test items, the response of the testee to the test situation, the examiner-child relationship, the differential interpretation of the test question by the minority child, the motivational and cognitive styles of the child, and the linguistic differences between the tester and the testee (Sattler, 1974; Adler, 1973; Deutsch et al. 1964; Gerry, 1973; Abrahams & Gay).

Williams (1973) asserts that most tests are value-laden, their frame of reference being white, middle class standards of correct behavior. "If one child is taught not to hit back and another is taught to hit back, it is a value judgement as to which is more intelligent teaching." The criteria for test item selection is that the items differentiate between children of different age groups within the standardization sample. "The selection of items is not influenced by any theoretical view of how

children develop with age, nor by any considerations as to the developmental significance of the particular items " (Ryan, 1972). The relationship between the items selected for IQ tests and the construct intelligence is left undefined. "There is no guarantee that some of the items do not simply reflect rather trivial aspects of behavior " (Ryan, 1972). Ryan (1972) argues that the consequence of employing standardization samples which are comprised predominantly of white middle class children is that the tests constructed from them are measures of "white abilities" based upon what "white Americans can do at particular ages." The inadequate representation of minority group children in the standardization sample used for IQ tests make these tests invalid for those groups (Williams, 1973).

The test situation itself may be a factor affecting the IQ of the minority child. The test situation fails to control a myriad of variables which may place certain cultural groups at a disadvantage irrespective of their existing capabilities. The motiviation of the child, his interpretation of the test questions, and the equivalence of test items for all groups of children are issues which remain unresolved. Cole and Bruner (1971) note that differences in performance are not necessarily accurate reflections of differences in competence. Differences may well be accounted for by the situations in which the competence is being measured or expressed. It has been suggested that the test environment and especially test questioning techniques may be more inappropriate for minority children than even the content of the tests (Abrahams & Gay, 1973).

Factors relating to the testee/tester relationship have been studied as far back as 1936. In a study by Canady the race of the examiner as well as the race of the examinee were manipulated. Blacks scored on the average 6 points lower when tested by white examiners than when tested by black examiners, whereas whites showed a decrease in IQ scores when tested by a black examiner (Watson, 1972). Although findings are inconclusive, there is suggestive evidence that an examiner's race may affect a child's performance on cognitive tasks as well as IQ tests (Sattler, 1970). Watson (1972) has suggested that differences in motivation "due to chronically poor race relations" must be considered as a factor affecting IQ test performance. A study conducted by Sacks (1952) experimentally manipulated examiner-examinee rapport in an attempt to study its effect on IQ test results. The test used was the Stanford-Binet Form L. Rapport was established by previous contact of either a positive or negative nature between the student to be tested and the tester. One group of children received no previous contact at all. Any prior contact with the tester, whether it was of a negative or positive nature resulted in an increase in IQ test scores from a pre-experimental level. The group of children in the no-contact condition did not show improvement. There was also a significant difference between the positive and negative contact groups. A good relationship between the examiner and the child produced a mean increase in IQ points which was significantly greater than the mean gain produced by the poor relationship. The article concludes that the tester-testee relationship can affect the motivation of a child to do well on a test and result in an increment in performance. In a study by Zigler and

Butterfield (1968), "Motivational Aspects of Changes in IQ Test Performance of Culturally Deprived Nursery School Children" the authors propose that performance on an IQ test reflects three distinct factors: 1. formal cognitive processes, 2. information achievements which reflect the content rather than the formal properties of cognition, and 3. motivational factors. Administration of the Stanford-Binet under conditions designed to optimize the child's motivation did in fact yield higher IQ scores than the standard procedure of test administration. Differences in motivation within the test situation may account for some of the IQ test score differences between cultural and SES groups.

The types of incentives which facilitate learning in middle and lower class 5-11 year old children have been experimentally investigated (Terrel et al., 1959). In a discrimination learning task where overall learning ability was equal between social class groups, middle class children were found to learn more quickly in the presence of a non-material incentive, i.e. a flashing light indicative of progress or success, than with a material incentive, i.e. a reward. The reverse was found to be true of the lower SES children. The differences were attributed to a greater emphasis placed upon learning for learning's sake in the middle class home. These findings have implications with regard to the role of motivation as a dynamic factor in the testing of culturally diverse populations.

The appropriateness of using standard IQ tests with minority group children who speak a non-standard English dialect has been widely

questioned in the research literature on IQ testing (Bartel et al., 1973; Hickey, 1972; Sabatino, 1973; Lesser et al., 1965; Baratz and Baratz, 1970; Cole and Bruner, 1971; Labov, 1973). Bartel et al. (1973) cite a study in which it is concluded that the Illinois Test of Psycholinguistic Abilities, the Peabody Picture Vocabulary, the Metropolitan Reading Test, and the Wechsler Preschool Intelligence Test, discriminate against black dialect speakers because of the items' content, the language by which test items are presented, as well as the verbal style required in the response. As an example, the ITPA grammatic-closure subtest requires a child to verbally complete sentences with an irregular plural form in 9 out of 33 items e.g. "mice", "children". The plural form which the black dialect speaker will have learned would be scored as incorrect. In another study 3rd to 5th grade black and white children were given a sentence repetition task in black or standard English dialects. The black children performed better on the black dialect form of the test and the whites performed better on the standard form (Bartel et al., 1973).

Sabatino et al. (1973) compared perceptual and language information processing among native English, Spanish, and Navajo Indian speaking elementary school children as measured by common psycho-educational placement tests. Results indicated that the differences found between the native English students and the culturally different groups was attributable to "knowledge of the linguistic rules of English."

The speech characteristics of minority children are often stereotypically associated with a lower socioeconomic status and sounding "disadvantaged". In a study conducted by F. Williams. (1970)

black and white inner city teachers were asked to evaluate recorded speech samples of 5th and 6th grade children of varying social status and ethnicity. The purpose of the study was to measure the teachers' subjective reactions to a dialect or an accented speech pattern. It was proposed that speech characteristics are used as cues to status judgements so that sounding ethnic or non-standard is related to sounding "disadvantaged" or lower class. The results indicated that the race of the child in the speech sample had a greater influence on the judgements of the white teachers than on the judgements made by the black teachers. The authors suggested that white teachers associate non-standard speech with linguistic ineffectiveness and low social status. The study reflects the stereotypes held about different speech characteristics whereby "sounding white is equated with high status" (Williams, 1970).

The "deviant" speech patterns of members of low socioeconomic status groups are often associated with low intelligence. Valletutti (1971) proposes that language defects are judged by middle class standards and are deviations from these specific standards rather than necessarily indicative of retarded development. He makes the distinction between those aspects of speech which are vital to complex thought processes and cognitive functions, and those which reflect "benign dialectical differences." The criteria currently used in the evaluation of a child's linguistic development emphasize conformity to the standard English dialect. It is suggested that superficial differences in speech patterns which are inconsequential to the child's cognitive development need not be of concern. Rather, those language patterns which may result in subsequent cognitive confusion, such as "pen" and "pin", when undifferentiated in their pronunciation, need to be corrected. Labov (1973) refers to

what he calls the "myth of verbal deprivation" with respect to the black child. He concludes after a detailed critical analysis of the black-English dialect that, "There is no reason to believe that any non-standard vernacular is in itself an obstacle to learning" and that this notion "diverts attention from the real defect of our educational system to imaginary defects of the child." Linguistic studies of the black-English dialect concur that the dialect is ordered and rule governed. These children speak a language which is different but linguistically as complex and efficient as standard English.

The use of IQ test scores in the classification of minority children into special education classes has far-reaching consequences. Ross et al. (1971) propose that because of test standardization procedures students are being classified according to their socioeconomic or racial status rather than their actual ability. The high correlation between SES, ability tracks, and race results in a disproportionate number of poor blacks represented in lower tracks and a disproportionate number of middle class whites represented in high tracks (McClung, 1973). The consequences of classifying and isolating large proportions of the black population into EMR classes are psychological as well as economic and social. The label may affect the child's self-perceptions, expectations, and thereby his achievement and chances for success (Bryen et al., 1973). Williams (1973) lists the used to which IQ tests have been put: 1-They label black children as uneducable; 2-They place black children in special classes. 3-They potentiate inferior education; 4-They assign black children to lower tracks than whites & 5-They deny black children higher education opportunities.

The cultural biases in the measures of intelligence serve to allocate social opportunity along cultural-economic group lines while they have "legitimized the existing social order" (Oakland, 1973; White, 1975). When instruments of classification include criteria which are correlated with a particular social class origin, equal opportunity for all social groups is a misnomer.

> "Suppose that in a certain society great prestige is attached to membership in a warrior class, the duties of which require great physical strength This class has in the past been recruited from certain wealthy families only; but equalitarian reformers achieve a change in the rules, by which warriors are recruited from all sections of the society on the results of a suitable competition. The effect of this, however, is that the wealthy families still provide virtually all the warriors because the rest of the populace is so undernourished by reason of poverty that their physical strength is inferior to most of the wealthy and well nourished. The reformers protest that equality of opportunity has not really been achieved; the wealthy reply that in fact it had, and that the poor now have the opportunity of becoming warriors - it is just bad luck that their characteristics are such that they do not pass the test. 'We are not,' they might say, 'excluding anyone for being poor, we exclude people for being weak, and it is unfortunate that those who are poor are also weak.' (Williams, Cited in Richards et al. (1972).

Psychometrics purports to represent objectivity and equal assessment for all. Richardson et al. (1972) suggests that it creates "the disease it has intended to cure" by producing "the rationalization that the failures ought to fail."

V. CURRENT THEORETICAL POSITIONS WITH RESPECT TO IQ TESTING AND THE MINORITY CHILD

Galton and the founders of the intelligence testing movement in America at the turn of the century conceived of intelligence as an innate, fixed, and pre-determined capacity which could be measured and quantified by an intelligence test. In light of the cultural contaminants inherent in IQ test content, their administration, and a child's life experience, a contemporary interpretation of IQ testing is that the score represents the product of both the "milieu in which the child functions and the extent to which he/she has been able to profit from the milieu " (Stodolsky et al., 1967). Wesman (1968) defines intelligence as "a summation of learning experience," i.e. the organism's ability to modify its behavior in effective ways as a result of experience. Abilities measured on standard IQ tests do not tell us what a child can learn but what he has learned. This involves an interaction between the capacity to learn and having had opportunities to learn that which is being tested. Opportunity includes family, neighborhood, schools, and all aspects of cultural development. The construct measured by an IQ test is by definition acquired through experience. As such, any interpretation of an IQ test score which equates or assumes IQ to be a measure of a hypothetical innate fixed capacity, must be considered to be an unfair use of the test (Cleary et al., 1975).

A. The "Melting Pot" v. The "Pluralistic" Ideology: Must a Difference be a Deficit?

Consistent differences in average IQ test scores between various cultural subgroups have been alternately explained by means of genetic or more recently the cultural deficiencies of the particular groups. In the latter explanation the differences obtained between minority group children and children from the majority culture in performance on standard intelligence tests are attributed to the deficient cultural experiences of the minority group members (Cole and Bruner, 1971), which is said to have resulted in a "social pathology", i.e. a pathology caused by environmental-social factors (Baratz and Baratz, 1970). The "deficit" or "social pathological" model spawned the labels "culturally deprived", "culturally handicapped", and "culturally disadvantaged" in reference to children from non-dominant cultural groups. Objection has been raised that these labels are value-laden and implicitly assume that the white middle class dominant culture is the standard or norm against which all other cultures should be compared (Sattler, 1974). Keddie (1973) notes that in the popularization of the term "cultural deprivation" educators and/or psychologists neglected "to specify what culture these families and their children can be deprived of, since no group can be deprived of its own culture." Sattler (1974) rejects the labels "culturally deprived ","culturally

disadvantaged " or "culturally handicapped" when referring to minority group children because the extent to which a group is handicapped is in the eyes of the beholder and is situation specific. Keddie (1973) offers the suggestion that these terms are euphemisms "for saying that the working class and ethnic groups have cultures which are at least dissonant with, if not inferior to, the mainstream culture of the society at large." Behavior and language which deviates from the white middle class norm has been interpreted without linguistic or theoretical foundation as pathological, deviant, or underdeveloped. Baratz and Baratz (1970) trace the "social pathology" model of cultural differences to the "melting pot ideology" which attempts to create one homogeneous society while denying cultural differences. This pressure to homogeneity stems from the equation of equality with sameness.

The "social pathological" explanation of culture-linked differences in IQ test performance does not significantly differ from the genetic pathological model in the assessment and description of minority group members who fail to perform adequately on current IQ tests. The primary difference between the two models rests on the proposed locus of causality for the inequality, genes or social-cultural environment. The adequacy of the methodologies employed in the assessment of the cognitive capacities of children from diverse cultural backgrounds is not seriously questioned in either model. The

culture-laden tools used for evaluation are misconstrued to be universally sensitive instruments (Baratz and Baratz, 1970).

The cognitive "deficit" interpretation of differences in IQ test performance rests on the assumption that a "community under conditions of poverty, is a disorganized community, and this disorganization expresses itself in various forms of "deficit" (Cole and Bruner, 1971). The "intervention" programs which were developed in the 1960's attempted to alter the early forms of stimulation the child received before reaching the school environment. The ghetto enviornment was treated as if it provided no cognitive stimulation, rather than a provider of stimulation of a different kind. Baratz and Baratz (1970) criticized pre-school intervention programs as "attempting to pour water into an already wine filled pitcher." The authors assert that the two assumptions upon which intervention programs are based are fallacious: 1. To be different from whites is to be inferior and 2. There is no such thing as a Negro culture. The black child is regarded as deficient in linguistic and cognitive skills, and this deficiency must be supplemented if the child is to succeed academically.

In general, critics of the "cultural deficit" model of cultural group differences have argued that children from all cultural subgroups have equally developed complex cognitive

skills, and that "cultural differences reside more in differences in the situations to which different cultural groups apply their skills, than to differences in the skills possessed by the groups in question" (Cole and Bruner, 1971). The performance of minority children on IQ tests represents a deficiency that is situation-specific. Testing procedures and test materials used in schools require that minority children perform within an alien culture (Baratz and Baratz, 1970). Likewise, "One can find a corresponding situation in which the member of the 'out-culture' the victim of poverty, can perform on the basis of a given competence in a fashion equal to or superior to the standard achieved by a member of the dominant culture" (Cole and Bruner, 1971). The relative performance of a child on a standardized IQ test may indicate how well the child might "currently be able to participate in the dominant culture" (Sattler, 1974). The misuse of these tests comes when the results are treated as if they measure human potential. It has been proposed that the failure often lies in the procedures and the materials used in the schools not in the parents or children before coming to the schools (Baratz and Baratz, 1970).

A pluralistic model of education and assessment has been offered as an alternative to current practices. (Houts, 1976; Cole and Bruner, 1971; Baratz and Baratz, 1970;

Bryan et al., 1973; Abrahams and Gay, 1973; Sattler, 1974). This model recognizes the cultural diversity within our population, so that children are assessed within the context of their own culture. The norms of that sub-culture would be considered before inferring the child's "deviance" i.e. subnormality (Deutsch et al., 1964). Information concerning the socio-cultural background of a pupil, daily behavioral observations, and an evaluation of the child's "adaptive behavior" in the non-school environment, would be used as evidence of the child's coping abilities and competence (Gerry, 1973; Sattler, 1974; Deutsch et al., 1964; Abrahams and Gay, 1973). Under a pluralistic model of education the tests as well as the criterion measures to which they are designed to predict would be reevaluated, and expanded to encompass a multi-dimensional view of intelligence. The failure of the schools to educate children from different cultural backgrounds has not been recognized as a failure of our school system but has been attributed to the inherent deficiencies of non-dominant cultural groups. "In the present social context of the U.S. the great power of the middle class has rendered differences into deficits because middle class behavior is the yardstick of success" (Cole and Brunner, 1971).

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The Subcommittee on the Handicapped of the Committee on Labor and Public Welfare, (U.S. Senate, August, 1976) report on P.L. 94-142 states, "The committee is alarmed about the abuses which occur in the testing and evaluation of children, and is concerned that expertise in the proper use of testing and evaluation procedures fall far short of the prolific use and development of testing and evaluation tools. The usefulness and mechanistic ease of testing should not become so paramount in the educational process that the negative effects of such testing are overlooked."

VI. ASSESSMENT AND STANDARDIZED TESTS

Introduction

The following is a sampling of the major tests used by clinical personnel as the basis for designating the presence of a handicapping condition. These tests are used to identify and decide such life-determining conditions as mental retardation, emotional disturbance and various degrees of psychopathology.

The instruments used in a psychological battery are essentially standardized measures of intelligence and/or personality. The method of standardization employed is considered to be crucial in terms of the effectiveness and applicability of the test.

Standardization is basically the process of obtaining norms for various groups according to such variables as age, sex, race or socioeconomic group. In order to meet this objective the proposed measure is administered to a large sample of subjects with a given set of characteristics. This "normative sample" is used as representative of the total population on which the completed test will be used. This process presumably enables one to interpret individual test scores in relation to a subject's peer group (similar demographic background - age, sex, race, etc). Of equal importance is the uniformity of procedures employed in the administration and scoring of the tests. The "rules" of standardization mandate that the sample included in the standardization determine the future

use of the test. Therefore, if a particular group has not been included in the standardization process, the test should not be used with that group.

It has been argued that since alternative tests are not available we have no choice but to use those tests we have. However, if we subscribe to the principles of standardization we must accept the fact that when we manipulate or ignore test criteria in order to extend the usage of a test, we have contradicted and thus invalidated the precepts of the test.

P.L. 94-142 specifies a roster of provisions intended to insure protection in evaluation procedures. Among these provisions is the stipulation that: "State and local educational agencies shall insure, at a minimum that tests and evaluation materials: 1) are provided and administered in the child's native language or other mode of communication unless it is clearly not feasible to do so; 2) have been validated for the specific purpose for which they are used; 3) are recommended by their producer for the specific purpose for which they are used.

This article provides information on the standardization criteria of some of the major diagnostic tests currently in use. The apparent limitations of the tests clearly suggests that we must reconsider whether we can or should continue to use them when evaluating minority children.

A. Intelligence and Achievement Tests

Wechsler Intelligence Scale For Children-Revised (WICS-R)

Date of Publication: 1974

Publisher: Psychological Corporation

Standardization:

Population Dimensions:

1) Size: 2200 subjects

2) Sex: Equal numbers of boys and girls in each age group.

3) Age: The standardization sample included 200 children in each of eleven age groups, ranging from 6 1/2 through 16 1/2 years.

4) Socioeconomic Background: To include a range of socioeconomic groups the following formula was used. Five occupational groups ranging from laborer and farm foreman to professional and technical workers were assigned for the standardization sample in accordance with the incidence of the five occupational categories in the U.S. population of children under 18 years of age living in families with an employed male or female head. Urban-rural communities were also selected, however no attempt was made to insure that the urban-rural proportions within each geographic region or each occupational group in the sample matched the corresponding proportions for that group in the Census table.

5) Geographic Locale: Cases were selected for the normative group in accordance with the proportions of children living in the Northeast, North Central, South and West.

6) Cultural Background: Whites and non-whites were included in the sample in the same proportion found in the 1970 Census for the age range tested. Non-white included blacks and also other non-white groups such as American Indians and Orientals. Puerto Ricans and Chicanos were categorized as white or non-white in accordance with visible physical characteristics.

In a study conducted by Hamm et. al. (1976) comparing WISC and WISC-R scores among Educable Mentally Retarded students, it was concluded that the WISC-R typically yields lower IQ scores for children who function in the EMR range. Thus, the authors stated that "more students will be classified as 'Mentally Deficient' as a result of its administration. Such findings suggest that considerable care be exercised when assigning special class placement based largely upon WISC-R IQ scores. There may be a need for re-evaluation of criteria for special class placement."

Lorge-Thorndike Intelligence Test

Date of Publication: 1964

Publisher: Houghton Mifflin

Standardization:

Population Dimension:

1) Size: 180,000 children

2) Sex: The normative sample was not divided according to sex.

3) Age: Grades 3 thru 12

4) Socioeconomic Level and Geographic Area: Children were taken from 70 school systems distributed over 42 states. To increase the representativeness of the sample, communities were selected on the basis of a composite of socioeconomic and educational variables previously found related to the intelligence test performance of children within the communities.

5) Cultural Background: The standardization process and criterion used for item selection did not ensure that minority group children were equally represented in the sample.

Tittle (7MMY) feels that the Lorge-Thorndike Intelligence Test's multi-level edition is a refinement and improvement over the earlier separate level edition. However the question of the independence of the verbal and non-verbal tests in use with special populations was raised.

In terms of predicting school achievement, Ward (1966) as cited by Tittle conducted a study indicating that the non-verbal tests were not effective with black students in terms of predicting school achievement. Caution, therefore, should be used when utilizing this test for the assessment of minority group children.

Auditory Discrimination Test (Joseph M. Wepman)

Date of Publication: 1958

Publisher: Language Research Associates, Inc.

Standardization:

Population Dimensions:

1) Size: 1,000 Subjects

2) Age: Children aged 5 to 8 years

3) Socioeconomic status: ethnic group, urban-rural classification, parental education level and other variables were considered.

4) Geographic Locale: New York State, Illinois, and Iowa.

In a study done by Fowles and Kimple (1972) using the Wepman Auditory Discrimination Test with both black and white children they found that this test "and its assumptions are inappropriate especially for 'disadvantaged' youngsters. Differences in the language situations of lower-class people do not appear to reflect 'impoverishment' as much as they reflect differences in style and function. Dialect differences also influence performance on the Wepman test." In conclusion the authors state that the Wepman rather than increasing our knowledge of how children function, actually helps "to perpetuate a pernicious cycle which brands minority group children as failures and which calls for remediation which is equally inappropriate for them."

Synder and Pope (1970) conducted an item analysis and normative study of the Wepman with first grade children selected to be representative of the population at large. Their study showed serious discrepancies with the published norms in terms of both the criterion for identifying a child having problems of auditory discrimination and with the utility of the validity checks of excessive error counts (x errors) and the missing of same-sound phonemes (y errors).

Illinois Test of Psycholinguistic Abilities (ITPA)

Date of Publication: 1961

Publisher: James J. McCarthy and Samuel A. Kirk

Standardization:

Population Dimensions:

1) Size: 700 children

2) Sex: The same number of male and female subjects were used.

3) Age: Fourteen age groups were used, beginning with 2 1/2 year old children and continuing by half-year intervals to and including nine year old children.

4) Socioeconomic Status: The occupational classification of the breadwinner, as categorized in the 1950 census was used as a crude index of socioeconomic class in this study.

5) Geographic Locale: Decatur was chosen over other Illinois centers because it more closely approximated the distribution of social classes in the state of Illinois than others.

6) Cultural Background: According to the authors "children of the Negroid race were not used as subjects. About ten per cent of the Decatur population is composed of members of the Negroid race, many recently arrived from southern states. A record of educational and/or apparent mental retardation is common. Because it was impossible, at the time of standardization, to determine the cause of retardation when it existed, these subjects were excluded." Also children in whose homes a language other than English was regularly spoken were excluded.

Chase (7MMY) in his review of the ITPA states that "the standardization sample was from homes slightly above the national averages in income and education, with middle occupational levels slightly overrepresented at the expense of lower levels. The sample clearly underrepresents Negroes, and the number of Spanish-American children is not reported." Also in the collection of normative data 17 examiners were used, only three of these were male. Chase avers that "noting differences in responses obtained by different examiners on individual tests, one may wonder if the disproportionately large numbers of female examiners influenced the normative data."

In summary he states that the "standardization group has a "middle America" bias, with minority groups clearly underrepresented."

Stanford-Binet Intelligence Scale

Date of Publication: 1972

Publisher: Houghton Mifflin Company

Standardization:

Population Dimensions:

1) Size: 100 subjects were tested at each S-B level, or approximately 2,100 subjects in all.

2) Age: 2.0 to adult

3) Socioeconomic Status and Geographic Locale: Seven communities participated in the normative testing viz: Placer County, California; Denver, Colorado; Shelton, Connecticut; Valparasio, Indiana; Fort Worth, Texas; Houston, Texas and Salt Lake City, Utah.

4) Cultural Background: The communities in which the Binet testing was carried out, contained fractions of black and Spanish-surnamed persons. In the 1972 testing black and Spanish surnamed youngsters were tested, but only if the primary language spoken in the home was English. If this turned out not to be the case, the individual was eliminated from the sample.

The norming effort of the Stanford-Binet contains certain difficulties. The communities used in obtaining normative data (Placer City, California; Denver, Colorado; Shelton, Connecticut; Valparaiso, Indiana; Fort Worth, Texas; Houston, Texas; and Salt Lake City, Utah) cannot be considered a representative cross-section of the country.

Stanford Achievement Test

Date of Publication: 1965

Publisher: Harcourt, Brace & World, Inc.

Standardization:

Population Dimensions:

1) Size: 850,000 pupils

2) Sex: The standardization did not give consideration to sex differences.

3) Age: Children in Grades 1 thru 9 were included.

4) Socioeconomic Status and Geographic Locale: The norm sample consisted of nine regions including the 50 states and the District of Columbia. Public Schools (integrated, segregated white, and segregated Negro), private non-sectarian, and private sectarian schools were included in the sample.

Merenda in reviewing the SAT concludes that while it "remains at the forefront of such batteries available to school personnel below the senior high school level...," he feels that the ommission of local (city-wide) and regional norms is serious. He claims that "such data are certainly available and could prove to be very helpful and meaningful to the users of the tests." There are some single tests for which low reliability coefficients are reported. "The authors are somewhat remiss in not pointing out the inadvisability of employing tests with such reliability as individual tests in as much as separate tests in an achievement battery are often used by teachers."

Peabody Picture Vocabulary Test

Date of Publication: 1965

Publisher: American Guidance Service, Inc.

Standardization:

Population Dimensions:

1) Size: 4012 cases

2) Age: 2.6 years thru 18 years of age

3) Sex: An equal number of boys and girls were used for six, seven and eight year levels.

4) Socioeconomic Status: Rather than the frequently used stratified occupational sample, schools were chosen where pupils' previous IQ scores provided a composite normal probability curve, or drew a random sample in some schools until the available IQ scores approximated a normal distribution.

5) Geographic Locale: Nashville, Tennessee

6) Cultural Background: Only white children residing in and around Nashville, Tennessee were included in the final standardization group.

In his review of the PPVT, Lyman (6MMY) makes mention of the fact that the standardization was based entirely on 4,012 white children and youth in and around Nashville, Tennessee. He emphasizes that the "norms for both Form A and B are based on the entire samples of cases rather than on only the approximately one-half who took a given form first. It seems likely that all of the norms tables are biased to an indeterminate extent because of this procedure."

In summary, Lyman felt that "the PPVT is a highly usable test, of moderate reliability, and largely unestablished validity. Considerable caution needs to be used in interpreting the norms especially in communities other than Nashville."

B. Projective Techniques

It has often been thought that the projective personality measurements have a seeming advantage over intelligence tests in that with ambiguous stimuli less bias should be possible. However, Rorschach norms derived from middle class groups and TAT pictures of middle class white persons tend to dilute any such advantage (Auld, 1952). Auld (1952) comments that the seemingly higher incidence of neurosis and social maladjustment within the lower classes may well represent an artifact of the test used rather than valid differences between class groups. On the basis of his research Auld concluded that middle and lower class subjects differ in their responses to the Rorschach test and TAT.

Levy and Kahn (1970) studying tester bias in novice and experienced testers found that a Rorschach record labeled as one produced by a subject from a low socioeconomic background received an interpretation of more pathology and poorer prognosis than the same record with a middle class label. Similar results were found by Huase (1956). The fact that experienced testers also displayed the same interpretation bias, although less frequently than novices, should increase concern about the clinical utility of Rorschach determined prognosis.

Studies cited by Ames (1952) have found that economic level is significantly related to Rorschach scores. Northway and Wigdor (1950) showed clearly differing Rorschach results for

8th grade children of differing race matched on age, IQ, religion and socioeconomic status. There is general agreement that one must have a background of experience with the record of a particular group before any single record can be interpreted validly; studies of young children and members of other cultures have shown this (Ames, 1952).

In terms of scoring procedures even the most objective techniques, if developed uniculturally, reflect an inherent cultural bias. The unicultural, unilingual test developer produces a scoring scheme reflecting the values, attitudes, conceptual styles, and perceptual sets of his own culture (Laosa & Swartz 1974). Since it has been established that members of different social classes differ in their responses to personality tests, "it is necessary to take these differences into account whenever we make use of personality tests in research or in clinical practice. If the psychologist does not explicitly take account of these differences he is likely to assume a bias in favor of his own social class. For example, he may use norms derived from middle class groups such as the widely used Hertz norms for scoring Rorschachs. To avoid such an error he must conciously take social class differences into account" (Auld, 1952). In fact Hertz, as cited in Ames, believes that formulation of lists of what constitutes normal details, good form and popular responses is essentially a normative problem. She suggests the development of different lists of D, F+ and P for different age

and cultural groups (Ames, 1952). On the other hand, Klopfer states that since no truly random sample of subjects has yet been collected, lists of normal details and popular forms may be based on clinical experience and may be considered "universal" for all practical purposes.

Auld (1952) has suggested that psychologists using the Rorschach should be provided with lower class norms in order to avoid making misleading and negative interpretations of lower class protocols. This suggestion is based on his view that the usual standards of Rorschach analysis and interpretation which are predominately based on middle class subjects, are inadequate. It is quite possible that the test situation may produce situational stress for the lower class person as a result of his inexperience with test taking, lack of familiarity with the Rorschach and moreover he is likely to have poorer rapport with the middle class examiner. Studies have shown that color responses are most affected by stress, so that the protocol will indicate less color responses, falsely indicating a lower emotional reactivity on the part of this group.

A very challenging point is that Rorschach responses and interpretations of the lower class student are difficult to reconcile with conclusions about his personality as inferred from other kinds of evidence. For example, community studies of the lower class individual furnish a very different picture of him than one would obtain from the Rorschach (Douvan, 1956). While

data are often coerced to fit an interpretation of the lower class as impulsive and over emotional there is considerable evidence pointing to a "personality pattern built around a co-operative, solidaristic, outgoing, emotionally responsive orientation," which is hardly reflected in the Rorschach pattern especially the lack of color responses (Riessman & Miller, 1958).

For a variety of reasons, then, the Rorschach may at the present time, be an inadequate test for minority subjects. According to Riessman and Miller (1958), providing lower class norms for clinicians would not completely overcome these difficulties. Employing separate norms in analyzing a lower class record may tell us how the individual compares with other lower class subjects in response to situational test anxiety, skill in test taking, etc., but still does not give an adequate picture of his basic, enduring personality tendencies. It is possible that the Rorschach may be one of the various tests that are not equally applicable to different cultural groups, because of the nature of the test material in relation to the background of the group. In reviewing the Rorschach (6MMY) Dana stated "that clinicians unfortunately expose faith in the Rorschach and in our own clinical skills by continuing to use it in the face of strong professional admonitions to the contrary." He continues that "we recognize that adequate use of the test is dependent upon the clinician; a function of training;

experience and unknown personality variables. Simultaneously, there is continual pressure to demonstrate that the test meet the usual psychometric criteria of objectivity, reliability, validity, additivity, scaling procedures, etc., which in fact it does not."

Rorschach

Date of Publication: 1921

Publisher: Grune and Stratton, Inc.

Standardization:

Population Dimensions:

1) Size: 405 adults. A total of 117 "normal" subjects were used, further divided into 55 educated and 62 uneducated and a total of 188 schizophrenic patients. The remainder of his (H. Rorschach) sample (100) suffered from various other pathologies.

2) Sex: 231 males, 174 females

Another set of norms frequently used in the assessment of young children are those established by Ames:

Date of Publication: 1974

Publisher: Brunner/Mazel

Standardization:

Population Dimensions:

1) Size: 650 subjects

2) Sex: Distribution according to sex was not given for the sample population.

3) Age: 2 through 10 years of age.

4) Socioeconomic Levels: The Minnesota Scale of Paternal Occupations was used as an index of social status. SES ratings were available for 93% of the cases. Despite a downward shift in SES level from year 5, there was a consistent SES distribution of subjects in the different age groups, and within the preschool and school age groups the distributions are highly similar from age to age. Over all, this is a high-level population, with more than half the children in the professional group, and three-fourths in the professional and managerial groups.

5) Intelligence Level: The great majority of subjects are of above average in intelligence based on group IQ Test Scores (Pintner-Cunningham) and Stanford-Binet IQ's.

6) Geographic Locale: Nearly all the subjects were from the Connecticut cities of New Haven and Waterbury.

Thematic Apperception Test (TAT)

Date of Publication: 1935

Publisher: Howard University Press

Standardization:

It was not the author's intention to conform to established rules of standardization but rather he administered the TAT cards to various experimental groups, using Army personnel, in order to study drive content and motivation in fantasy.

The TAT is another projective technique applied across class lines without awareness of the difficulties which may arise. Two major difficulties limit the usefulness of this instrument. On the one hand most of the pictures include people who appear to be middle class; some are ambiguous, but very few suggest minority group individuals, symbols or situations. Secondly, very few individuals in the lower socioeconomic strata have had much experience making up stories to pictures (Levy, 1970).

In his review of the TAT, Eron (7MMY) cites Levy's report of the assessment of the lower class persons using this test. TAT pictures represent middle class persons and "middle class examiners typically misinterpret sub-cultural referrants by focusing on non-shared behaviors and minimizing the relevance of shared behaviors." Part of the misinterpretation is due to confounding of perceptual bias and cultural distinctions.

Human Figure Drawing Test (Koppitz)

Date of Publication: 1968

Publisher: Grune and Stratton, Inc.

Standardization:

Population Dimensions:

1) Size: 1856 public school pupils.

2) Sex: 931 boys and 925 girls.

3) Age: 5 years through 12 years of age.

4) Socioeconomic Status: 1/3 from low income communities; 1/3 from predominantly white, middle income, communities and 1/3 lived in high income areas.

5) Geographic Locale: 33% came from two schools located in residential sections of a Midwestern metropolis; 54% attended five schools situated in three small industrial towns in Mideastern and an Eastern State; while the remaining 13% were pupils from three schools in small villages or rural areas of the same states.

6) Cultural Background: The majority of subjects were white with only the low income group including some black youngsters.

Even a seemingly "culture-free" test, such as the Human Figure Drawings Test scored by the Goodenough-Harris System, involves categorizing a fairly complex performance according to items developed within a particular cultural setting; and a given cognitive or perceptual category may not be as salient or important in another culture. For the most valid results, it has been suggested that the points of the scales be at least restandardized for every group having different cultural patterns (Laosa & Swartz, 1974).

Studies strongly indicate that the projective techniques presently widely used as part of assessment batteries are unfair to the culturally different and that tests which are designed for normative use discriminate against those who are culturally different from the majority (Anastasi, 1967; Laosa, 1973). Testers must maintain a keen awareness of different social classes which must also be taken into account when using projective measures in the assessment of children.

In summarizing their study on the personality development of Mexican and Anglo-American children as measured by the Human Figure Drawing Test, Laosa and Swartz call attention to the potential dangers incurred is evaluating and interpreting individual performance on tests that are

standardized and normed in different cultural or subcultural populations. It is clear that adequate interpretations can be achieved only within the cultural contexts in which they occur and that subtle cultural variation in cognitive, perceptual, and personality development need further clarification through investigations explicitly aimed at explaining them.

Harris (7MMY) suggests that the HFDT is not actually a test but rather "an evaluation of presumptive clinical evidence." He states that it adds little that is objective or quantifiable to the subjective or 'clinical' use of drawings which has been found quite undependable by an impressive array of evidence." Harris also states that the HFDT itself should not be used as a "diagnostic or even as a screening device for personality study, for it has not been constructed according to the accepted concepts and assumptions of measurement." His opinion is that the HFDT may be used "along with other evidence, qualitative or quantitative, to illuminate and clarify the clinical picture of personality where disturbances are known or strongly suspected."

Bender-Gestalt Test (Koppitz Developmental Scoring System).

Date of Publication: 1960

Publisher: Grune and Stratton, Inc.

Standardization:

Population Dimensions:

1) Size: 1,106 subjects from a public school system K thru 5th grade representing 46 entire classrooms in 12 different schools.

2) Sex: 638 boys and 468 girls

3) Age: 5 years through 10 years 11 months.

4) Geographic Locale: Subjects were taken from rural, small town, suburban and urban areas of the Midwest and Eastern States.

Kitay in his review of the Bender-Gestalt Visual-Motor Perception Test (7MMY) suggested that it should be included if possible, "in every diagnostic examination of adults and of children from age five because of its unique contributions to the evaluation of perceptual-motor functioning, neurological impairment, excessive styles and maladjustment." He warns that elaborate projective use of the Bender should be employed with caution.

In conducting research with the Bender-Gestalt,Peixotto (1954) states that "It seems questionable, from the results, whether even a test as apparently culture-free as the Bender Gestalt is, in actuality, completely free from cultural influences. The levels of significance obtained are of such magnitude that it is felt that the universality of interpretations of protocols from this technique should be questioned." The results of this study clearly indicated "that various ethnic groups will produce different protocols" so that in this sense this technique is culturally biased.

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PL 94-142, Education for All Handicapped Children Act of 1975 stipulates in section 612-5C.

"In order to qualify for assistance under this part in any fiscal year, a State shall demonstrate to the Commissioner that the following conditions are met: ...The State has established (c) procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communications, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child."

VII. THE CONSEQUENCES OF BIASED ASSESSMENT

The preceding three articles provide the historical, social, political, and theoretical underpinning for the current controversy over the testing of minority group children. The inclusion of black Americans into an exclusively white educational system, was legally mandated with the 14th Amendment provision that "no state shall deny to any person within its jurisdiction the equal protection of the laws." Ample latitude was provided for discriminatory educational practices by a number of pre-1954 Supreme Court decisions upholding the constitutionality of the concept of "separate but equal" educational facilities. The 1954 Supreme Court decision which outlawed the segregation of children on the basis of race, did not prohibit segregation on the basis of intelligence test scores. The testing movement in America rooted historically in the early 20th century segregationist society, was aimed at constructing instruments that would discriminate between children of varying intellectual capacities. Those children were subsequently classified and separated within the educational system into "ability grouping." It is in this context that the tests themselves, as adequate measures of the minority child's intelligence have been questioned. The consequences of discriminatory testing procedures have surfaced most recently through a number of litigations regarding biased testing instruments and procedures and the apparent overrepresentation of minority group children in special education classes. As Daniel Ringelheim of the New Jersey Department of Education has noted "the courts have suddenly become the conscience of the community and the means by which parents

have sought redress from the variety of barriers in the path of a quality education on behalf of their handicapped children."

As a natural outgrowth of judicial activities, federal legislation addressing the issue of biased testing has been enacted (Education Amendments of 1974 (P.L. 93-380), 1975 (P.L. 94-142 - Education of All Children Act).

Appearing before the Congressional hearing on P.L. 94-142, Dr. Oliver Hurly of the University of Georgia presented a written statement that discussed the relationship between biased testing and the overrepresentation of minority children in special education: "The main impact, of placement in special education is that of providing grist for the mill of prejudice against different races, the poor, and/or both. By ignoring the assumptions on which tests and testing were based, special education has labeled an excessive number of inner city children as mentally retarded."

The following section presents brief abstracts of the major court cases that have challenged the testing and classification procedures used with minority group children as well as information selected from the 1973 school survey conducted by the Office of Civil Rights.

A. LITIGATIONS

Diana v. State Board of Education (C-70-37 RFR)

In January, 1970, a suit was filed in the District Court of Northern California on behalf on nine Mexican-American Students, aged 8 to 12. The children came from homes in which Spanish was the major, if not the only language spoken. All had been placed in classes for the mentally retarded in Monterrey County, California. Their IQs ranged from 30 to 72 with a mean score of 63.5. They were retested bilingually; seven of the nine scored higher than the IQ cut off line. The average gain was 15 IQ points. The plaintiffs charged that the testing procedures utilized for placement (WISC & Stanford-Binet) were prejudicial in that the tests place heavy emphasis on verbal skills requiring facility with the English language. They accused the tests of being culturally biased, having been standardized on white, native-born Americans. An agreement order was signed by both parties in which one of the requirements was that children are to be tested in their primary language. Interpreters may be used when a bilingual examiner is not available (Weintraub, 1972).

Stewart et al. v. Phillips et al. (70-1199-F)

Filed in October, 1970, before the Federal District Court of Massachusetts on behalf of seven black students and parents. The children were tested, adjudged mentally retarded, and placed in EMR classes. Private retesting found the students were not retarded.

The attorneys for the plaintiffs further specified that Boston School Psychologists are unqualified to interpret the limited classification devices that the Boston School system currently employs.

The Boston case attorneys further noted that the particularly objectionable "limited classification devices were the WISC and the Stanford-Binet." The plaintiffs sought class action to enjoin further testing or placement until a commission on Individual Needs is appointed to oversee testing and classification. Two of the commission's members would be parents of children in the schools. The plaintiffs also seek $20,000 per individual for damages.

Larry P. et al. v. Riles et al. (C-71-2270)

The plantiffs were six black elementary school students from San Francisco Unified School District who represented a class of black children who alleged that they were inappropriately classified and placed in EMR classes. The plaintiffs were retested by black psychologists who obtained IQ scores which ranged from 70 to 104 and were above the retarded level (Cohen & DeYoung, 1973). The plaintiffs noted that the percentage of blacks in EMR classes was twice that of whites and argued that the assignment process itself was at fault. On June 20, 1972, the Court ruled that"..no black student may (in the future) be placed in an EMR class on the basis of criteria which rely primarily on the results of IQ tests as they are currently administered if the consequence of use of such criteria is racial imbalance in the composition EMR classes" (843 F. Supp. 1306).

Hobson v. Hanson (320 V. Supp. 720)

In 1967 a suit was brought against the Washington D. C. School system. The case centered around the question whether the "track system" utilized in the Washington, D. C. public schools which separated children into five ability groupings (honors track for gifted students, regular

track for college preparation, general track with a vocational or commercial program for most students, special or basic track for those with IQs below 75, and the junior primary track for readiness before first grade), was an illegal, discriminatory practice (Weintraub, 1972).

Students were placed in these tracks primarily on the basis of test scores. Judge Wright found that in the Washington, D. C. schools there were a disproportionate number of black children in special classes and attributed this inequitable distribution to culturally biased tests. Because these tests are primarily standardized on and are relevant to a white middle class group of students, they produce inaccurate and misleading test scores when given to lower class and black students. As a result, rather than being classified according to ability to learn, these students are in reality being classified according to their socioeconomic or racial status, or more precisely according to environmental and psychological factors which have nothing to do with innate ability (Judge Wright p. 514, as cited in Ross, DeYoung, & Cohn, 1971).

Covarrubias v. San Diego Unified School District (70-302)

In February, 1971 a suit was filed on behalf of twelve black and five Mexican-American pupils in classes for the mentally retarded. The plaintiffs attacked the Stanford-Binet and Wechsler Intelligence Tests. The suit stated that many minority students were subjected to "taunts and derisions" because of a biased testing procedure that does not recognize unfamiliarity with white middle class cultural background and a lack of facility with standard English. The plaintiffs requested that revised tests be used that recognize the influence of the black ghetto. Money damages were asked to alleviate the wrong done to the children (Theimer & Rupiper, 1975).

Guadalupe Organization, Inc. v. Tempe Elementary School District.

In Arizonia a suit was filed by Mexican-American and Yaqui Indian school children. The case involved the disproportionate number of bilingual children enrolled in classes for the mentally handicapped. The complaint asked that children in classes for the retarded be reassessed, and that the "defendants be enjoined from administering tests to students who may do poorly on them because of their cultural background," and that no child be placed before the age of 10. A stipulated agreement provided for the consideration of cultural background, the administration of intelligence tests in the child's primary language, the parents' involvement in the placement, and the school's justification for any proportion of an ethnic group which is significantly greater than that group in the total school population (Theimer & Rupiper, 1975).

B. 1973 CIVIL RIGHTS SURVEY INFORMATION

The survey examined 2, 908 school systems. Included in the survey were systems with more than 10 percent minority enrollment; systems desegregated under a voluntary plan filed with the Department of Health Education and Welfare (HEW); systems in litigation over a desegregation plan; and systems currently under Federal court order to desegregate. The survey excluded school districts in Hawaii, Maine, New Hampshire and Vermont. The districts included in the survey represent 47.3 percent of the nation's school age population. Once a district was included, all of its schools were surveyed.

Description of the Population Included in OCR Study

EMR/EMH: Pupils enrolled in Educable Mentally Retarded (EMR) or Educable Mentally Handicapped (EMH) classes for any part of the School day.

TMR/TMH: Pupils enrolled in Trainable Mentally Retarded (TMR) or Trainable Mentally Handicapped (TMH) classes for any part of the school day.

Other Special Education: Pupils enrolled for any part of the school day in other special education programs who fall into one more of the following categories: severely emotionally disturbed, severely maladjusted, underachievers and slow learners.

Handicapped: Pupils who are in either of the following categories: Students in programs for physical, health, sensory and related handicaps. This includes all pupils who have been diagnosed as having one or more of the following handicaps: blindness, deafness, hard of hearing, speech impaired, visually impaired, crippled, or other health impaired (such as epilepsy, diabetes, or rheumatic) requiring special programs.

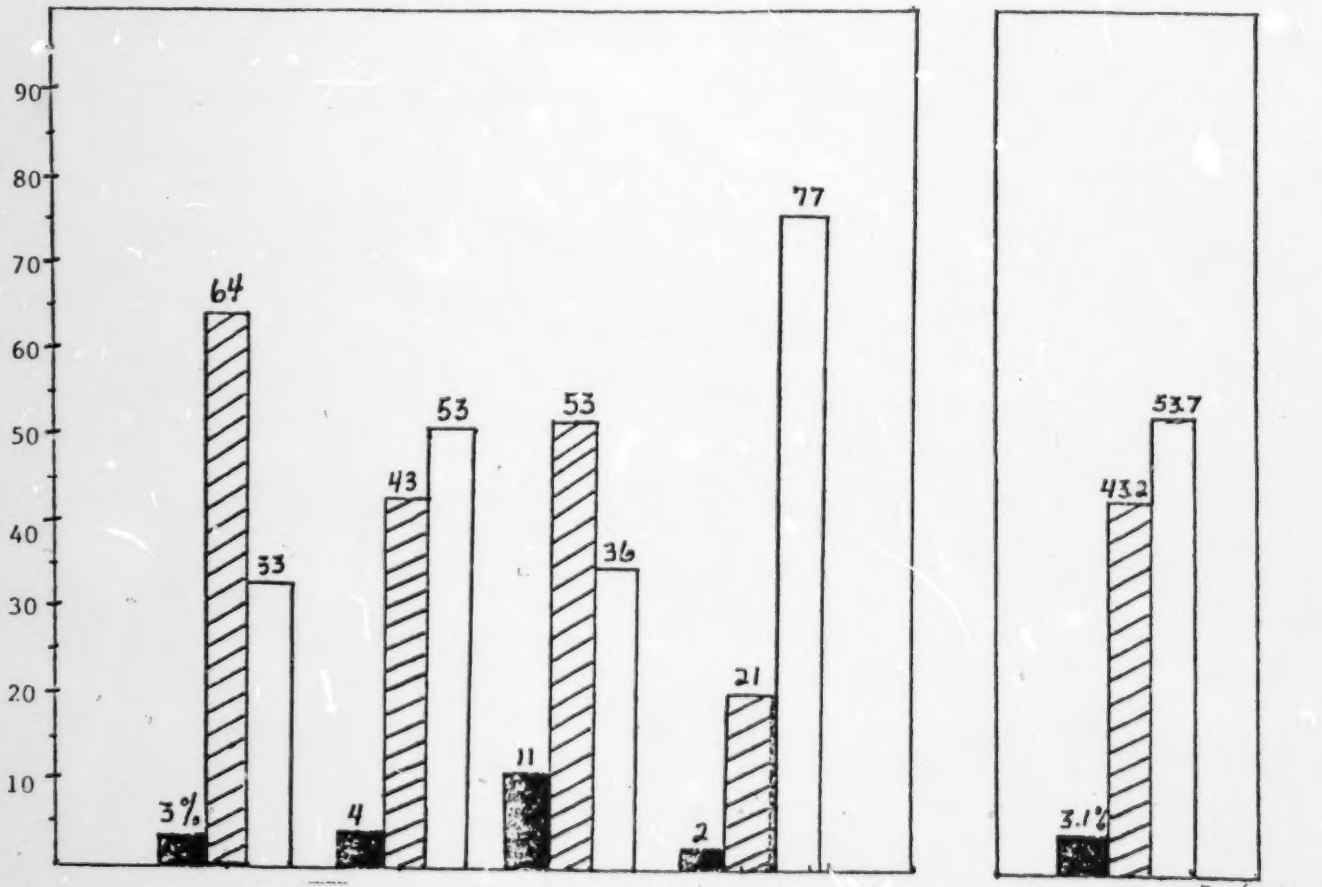
Students with specific learning disabilities. This includes all pupils who have been diagnosed as having one or more of the following handicaps: perceptual handicaps, brain tumor, minimal dysfunction, dyslexia, developmental aphasia. This category does not include the following handicaps: visual, hearing or motor handicaps, mental retardation, emotional disturbances, environmental disadvantage.

The graphs of the five large cities represent a comparison between the racial distribution of the total school population and the racial population in special education.

The vertical axis on both the Civil Rights Survey graph and the total school population graph is the percent enrolled marked in 10 degree intervals. The horizontal axis in the Civil Rights Survey graph represents the distribution by race in one of four categroies: TMR,EMR, other special education or handicapped. The horizontal axis of the total school population shows the distribution of children by racial or ethnic background.

The three racial groups shown are Spanish (black bar), Black (striped bar) and Other (white bar).

BUFFALO



1973 Public School Student Participation in Special Education by Racial/Ethnic Origin*

1973-74 Racial/Ethnic Percent Distribution Of All Public School Students**

SSA — Spanish-surnamed Americans include Mexicans, Central Americans, South Americans, Cubans, Puerto Ricans, Latin Americans, or other Spanish-speaking origins.

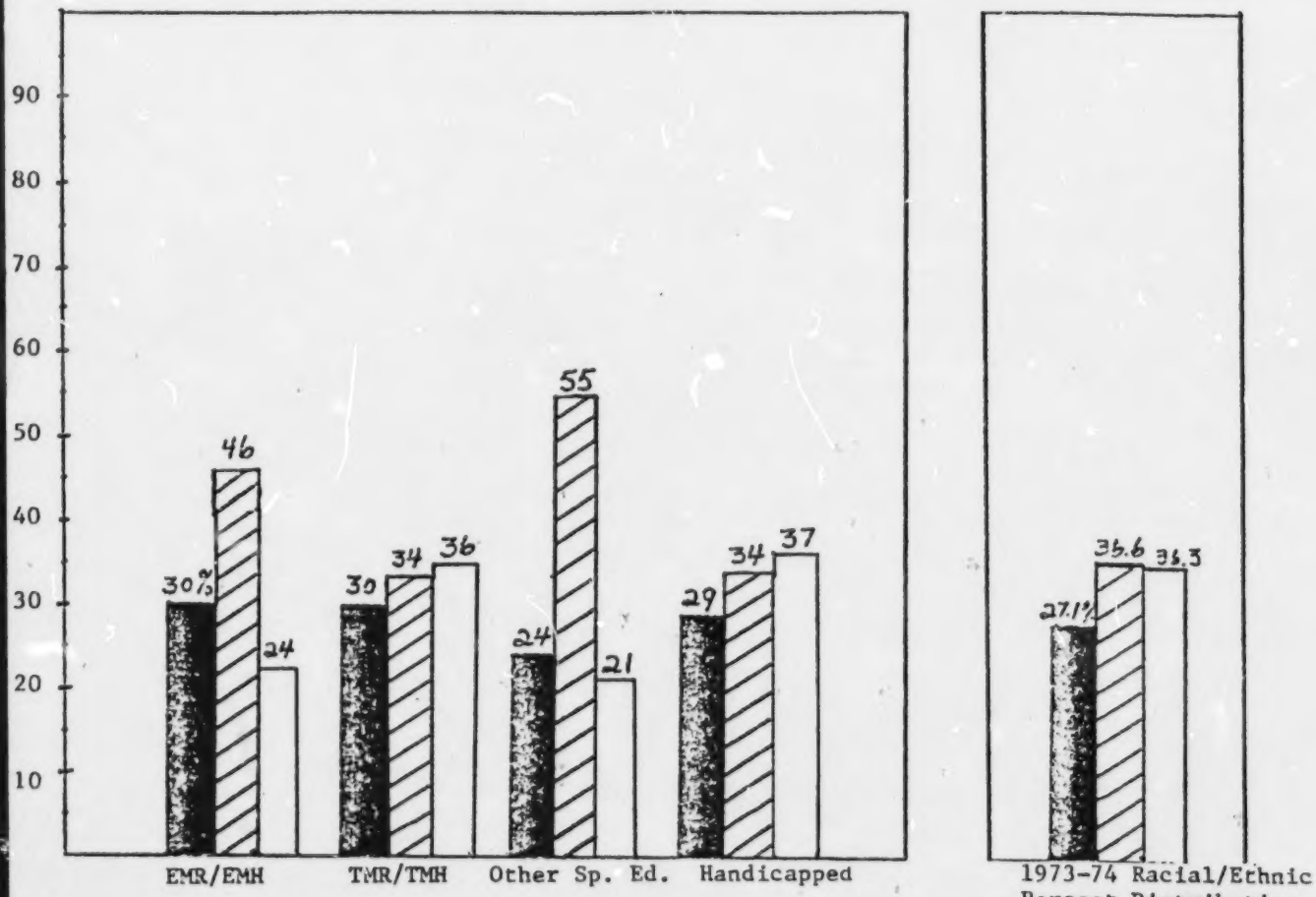
Black

Others — Includes all students not classified as Black or Spanish-surnamed Americans.

*Data from Fall, 1973 Elementary and Secondary School Civil Rights Survey.

**Data from Annual Educational Summary, The University of the State of New York. The State Educational Department, Albany, N.Y. 1973-74.

NEW YORK CITY



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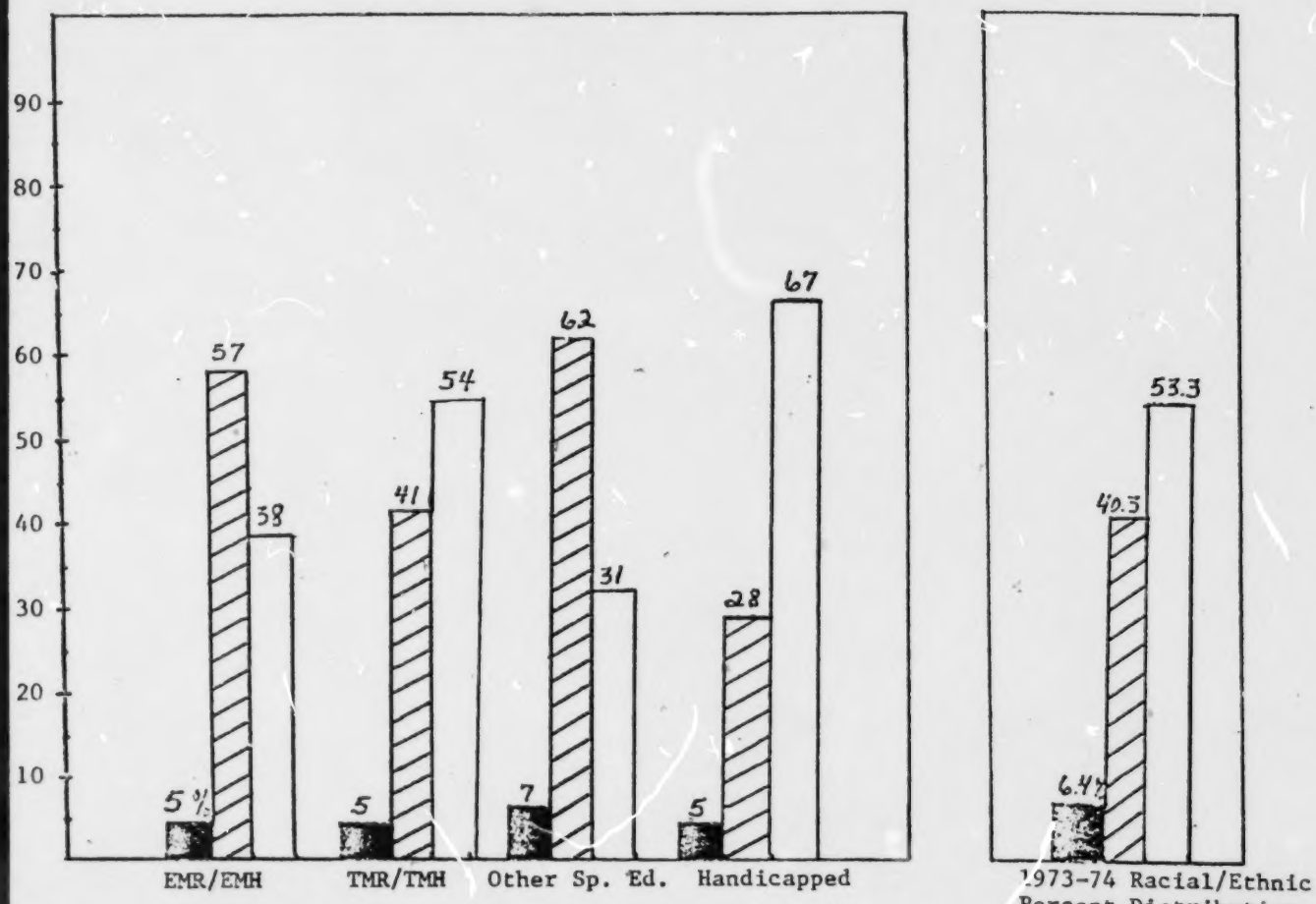
ROCHESTER



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*Data from Fall, 1973 Elementary and Secondary School Civil Rights Survey.

**Data from Annual Educational Summary, The University of the State of New York. The State Educational Department, Albany, N.Y. 1973-74.

SYRACUSE

1973 Public School Student Participation in Special Education by Racial/Ethnic Origin*

1973-74 Racial/Ethnic Percent Distribution Of All Public School Students**

SSA — Spanish-surnamed Americans include Mexicans, Central Americans, South America Cubans, Puerto Ricans, Latin Americans, or other Spanish-speaking origins.

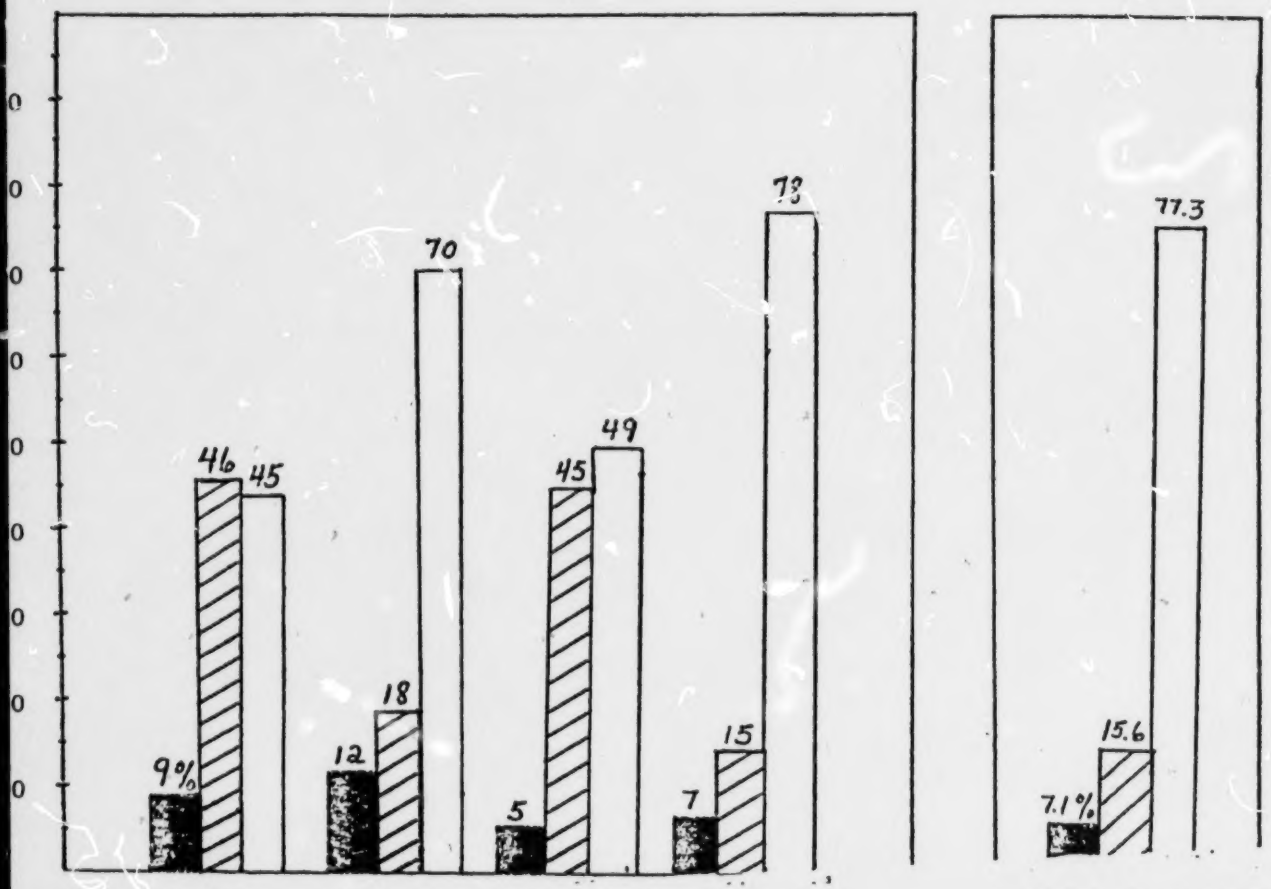
Black

Others — Includes all students not classified as black or Spanish-surnamed Americans.

*Data from Fall, 1973 Elementary and Secondary School Civil Rights Survey.

**Data from Annual Educational Summary, The University of the State of New York. The State Educational Department, Albany, N.Y. 1973-74.

YONKERS



1973 Public School Student Participation in Special Education by Racial/Ethnic Origin*

1973-74 Racial/Ethnic Percent Distribution Of All Public School Students**

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**Data from Annual Educational Summary, The University of the State of New York. The State Educational Department, Albany, N.Y. 1973-74.

VIII. CONCLUSION

The denial of equal educational opportunity for a segment of the American population has historical, legal and theoretical roots. The explicit racist policies of the pre-Brown vs. the Board of Education era have been camouflaged by the psychometric tradition which purports to provide objective measures of intelligence without regard to ethnic or cultural background. It is this premise that has been the subject of heated controversy. Under the rubric of "science," discriminatory educational practices have persisted in America. The consequences of biased assessment procedures are farreaching, and their use is in violation of the mandate of P.L. 94-142 for "complete and appropriate assessment" for all children. The goal of non-biased assessment will only be attained when the results of testing can be utilized for the benefit of the individual.

> "As the psychologist develops tests to measure mastery of different contents and processes, he will obtain the evidence about the inequalities of opportunity for maximum development. With such information, the psychologist, in cooperation with educators and others interested in social amelioration, will try to make those social inventions which will allow all in our democracy to have an equal opportunity for maximum development of their potentialities."[1]

1. Lorge, Irving, Differences or Bias In Tests of Intelligence. Proceedings Invitational Conference on Testing Problems. E.T.S., Princeton, New Jersey, 1952.